No. 5052 Equity

and who died a short time before her mother leaving one Child whose name is Samuel Schell Rutherford who is an infant under ~~under~~ twenty one years of age and resides with his father near Harrisburg Dauphin County in the State of Pennsylvania

To the 4th Intr

4th Ans She died without a will as far as I know or have ever heard. She was seized and possessed at the time of her death of some real estate, consisting of a house and lot situated in Second Street in Frederick City Maryland, I look at Exhibit Nos 1. 2 and 3 now shown me. Exhibit No 1. does describe the same except what is described. Exhibit No 2. and which was sold off by Dennis Schell and Margaret his wife during their lives. The remainder is what She owned at the time of her death, and is part of the property which she took under the said (Exhibit No 3)

To the 5th Intr

5th Ans The said real estate can not be divided among the parties interested therein without loss or injury thereto because the property consists of a house and lot in town and anything like a division of it among the parties is impossible

To the General Interrogatory

Ans. I know of nothing further

Signed James M Hood

George T Clinger a witness of lawful age produced on the part of the Plaintiffs being duly sworn and examined to interrogatories filed with the Examiner and hereunto returned deposes and says

To the 1st Interrogatory

1st Ans. I know all the parties to this suit and have known them for some years

To the 2nd Intr

2nd Ans. I was acquainted with Mrs Margaret Schell, She is dead, She died in December 1884 near Harrisburg in the State of Pennsylvania while on a visit there to her daughter

To the 3rd Intr

3rd Ans. She died leaving Chil dren Surviving her Viz:
A daughter Margaret J Kehne wife of Lewis F Kehne who are resident of the State of Illinois
A Son Mathias B Schell who is a resident of Baltimore City, Md.
A daughter Helen K Schell who is a resident of Frederick City Md. These children are all adults over 21 years of age.
She has another daughter Fanny E Rutherford who was the wife of Samuel H Rutherford. This daughter died before her her mother leaving one Child Samuel Schell Rutherford who is an infant under 21 years of age and who resides with his father in Dauphin County Pennsylvania.

To the 4th Intr

4th Ans. She died without a will; at least I had never heard of any. She was seized and possessed of real estate situated in Frederick City in Frederick County Md. I look at Exhibits Nos 1. 2 and 3 now shown me and Exhibit No 1. does not describe the said real estate excepting what was sold off by Dennis Schell and wife to Lewis Rice and which is described in Exhibit No 2. The residue is what she took under the will of her husband which is filed as Exhibit No 3.

To the 5th Intr

5th Ans. The said real estate can not be divided among the parties interested without loss and injury: because it is only a house and lot in town and therefore incapable of division at all