

No 5227 Equity

Margaret, her husband (names witnesses), and Mary Michael, and John L. Michael, her husband, all live in Frederick City, Frederick County, Md. Melancthon A. Custard, and Mary Custard, his wife, and George W. Custard, and Annie Custard, his wife, all live in Philadelphia in the State of Pennsylvania. And Annie V. Luger and William F. Luger her husband live in Washington City, D.C.

1st Q. Did you know Adam Custard, if yes, is he living or dead; if dead, when did he die, and did he leave a will, or not?

2nd Ans. I knew him; He is dead. He died many years ago and he left no will.

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3rd Q. What real estate did the said Adam Custard leave?

4th Ans. He left a certain dwelling house, and store & room combined and a strip of about 18 acres of land, being the same real estate which he obtained from Jacob Hardt & wife, and which is described in Exhibit A. filed with the Bill in this cause.

5th Q. Where is the same situated?

6th Ans. In Frederick County, Maryland.

7th Q. Who are his heirs at law?

8th Ans. He left as his heirs at law four daughters and two sons, and their husbands and wives, as named in my second answer.

9th Q. State whether or not said real estate is capable of being divided amongst the said heirs without loss or injury, if not please state why?

10th Ans. The said real estate is not capable of being divided among the said heirs at law without loss and injury because it is not situated so as to be capable of an equal division among them. Some of it is improved and some not, and some parts of it are much more valuable than the rest.

11th Q. Please state whether it will be to the interest or advantage of all of said parties that said real estate be sold, and the proceeds divided. If yes, give your reasons therefor?

12th Ans. I think it would, for the reason that the land is not capable of being divided, and also because the heirs realize very little income from it, as it now is.

To the Hon. Q. by the Examiner:
 Ans. I don't know of anything else.
 Fitchie Hunter.

John L. Michael, a witness of lawful age produced on the part of the Plaintiffs being duly sworn, and Examined & Interrogated deposes and says as follows:

1st Q. Do you know the parties to this suit? If yes, how long have you known them?

2nd Ans. I know them all, and have known them since 1868.

3rd Q. Where do the said parties reside, give the residence of each?

4th Ans. Margaret A. Custard, Martha A. L. Henshaw, and Fitchie Henshaw, her husband, and Mary Michael, and John L. Michael her husband (the present witness), all reside in Frederick City, Frederick County, Md. Melancthon A. Custard, and Mary Custard his wife, and George W. Custard