

No 5264 Equity

Clayton C. Keedy, One of the Regular Examiners, of said Court having met, at my Office and fixed the 7th day, of February A D, 1887, at my office in Frederick City, as the time, and place for taking the Testimony in this cause and having given due notice thereof to the parties concerned, did, at the appointed time, and place proceed to take the following evidence to-wit:

The Plaintiffs filed with the Examiner, as Evidence Exhibit No 1 - which is herewith returned by the said Examiner.

Lewis E. Smith, a Native of lawful age, produced, on the part of the Plaintiffs being duly sworn, and Examined viva voce, deposes and says: -

My name is Lewis E. Smith, my age 50 years and I reside in Frederick County, I know all the parties to the suit and have known them for some years. I know the late William Smith, of Frederick County, deceased. He was my father. He is dead. He died on January 13, 1887 in Frederick County and he died on January 13, 1887 in Frederick County and he died without a will. He, died, aged and possessed of, about twenty-three acres, of land lying and being in Frederick County - It is the same land which is described in Exhibit No 1 now shown me, excepting therefrom an acre and three quarters, more or less, conveyed by the said William Smith in his lifetime to Horace H. Smith and half an acre, more or less, conveyed by him to the Methodist Episcopal Church, and three quarters, of an acre, more or less, conveyed by him to George H. Blesing. The said William Smith left at his death a Widow named Elizabeth Smith, and the following children as his heirs at Law; (1) A son Hiram J. Smith, (2) a son, Lewis E. Smith, (present witness) whose wife's name is Anna A. Smith (3) a son, Henry E. Smith (4) a daughter, Mary Jane Stone who is the wife of David L. Stone, (5) a son, Mahlon H. Smith, whose wife's name is Martha (6) a son, William E. T. Smith whose wife's name is Laura Smith (7) a daughter, Susan M. Wächter who is the wife Caleb Wächter, (8) a son, Horace H. Smith whose wife's name is Clara M. Smith (9) a grand-child, Roy Smith, a son, of Anna M. Smith, a deceased, daughter of the said William Smith, deceased. All of said parties, are residents of Frederick County, excepting Mahlon H. Smith and Martha Smith, his wife who are now residents of Maryland and reside in the State of Ohio; and all of said parties are adults, over twenty-one years of age except the grand-child Roy Smith who is an Infant under 21 years of age. The said Real Estate is not capable of being divided among the parties interested in it; because the land is too small to be cut and divided among so many people and is not located so as to be susceptible of a division among them without Loss and Injury. I think it will be to the end, advantage of all the parties interested, Infant as well as adult, to have the real estate sold and the proceeds divided among them because there is no one sufficiently interested in the Property to keep it up and in repair till the Infant becomes of age as he is but about between eight and nine years of age at present.

To the Gen. Int by the Examiner -

Ans. I know of nothing further -

Lewis E. Smith -

Testimony

Testimony