

No. 5409 Equity

Aunt Mrs Stephens. - I knew Thomas L Thomas; his wife's name is Mary C. - They are both adults and live in Frederick County - I know Ignatius Fitzsimmons; but did not know his wife nor do I know his children - I know the farm "Mt. Rosa" named in these proceedings I look at Exhibit No 2 and that describes the property. That is the property which John C Osborn owned, and of which he died seized and possessed. The farm is not capable of being divided among the parties interested without loss and injury thereto, because there is but one set of buildings on it and it would make the parcels too small for advantageous sale or cultivation -

To the Gen. Int by the Examiner - I do not  
Robert W. Roberts.

Testimony

William T Besant, a witness of lawful age produced on the part of the Plaintiffs being duly sworn and examined viva voce deposes and says as follows: - My name is William T Besant, and I reside in Frederick City I knew John C Osborn late of Frederick County, deceased, He died about the year 1876. I knew Margaret M. Osborn the wife of said John C Osborn. She is dead also; she died before Mr Osborn her husband. I knew Ann Rebecca Osborn; she is dead; she died about a year ago I also know Elizabeth C Stephens, she is an adult, a widow and resides in the State of Illinois - I knew also also Mary M Thomas who married J. Clinton Roberts. She is now dead, she died some years ago. She left surviving her, her husband, J. Clinton Roberts an adult residing in Frederick County, and two children who are now infants named Ira N. Roberts, and Lois M Roberts who reside in the State of Illinois I know Thomas L Thomas. He is an adult, married, and his wife's name is Mary C. who is an adult, and both reside in Frederick County - I also know Anna R Fitzsimmons who was the wife of J Ignatius Fitzsimmons She is dead; she died in 1883 and left no Will, and left surviving her, her husband who is an adult residing in Frederick County, and seven - namely: - John O. Fitzsimmons, Mary E. Fitzsimmons, Annah S. Fitzsimmons, Emma F Fitzsimmons, Jane E Fitzsimmons Ler J Fitzsimmons, and Charles J Fitzsimmons all of whom are infants residing in Frederick County - I know the farm "Mount Rosa" and the deed Exhibit No 2, described it. It is the property of which John C Osborn, died seized and possessed. I don't know the value of the land; but suppose it is worth from \$60 - to \$75 - per acre. The farm could not be divided among the parties interested without loss or injury, because the lots would be too small to sell well -

To the Gen. Int by the Examiner - Ans I do not.

W. T. Besant -

Whereupon there being no other Witnesses to be examined and no further time being required for the production of evidence, the said Examiner hereby certifies that the foregoing are the Original Depositions in this case as the same were read over to the witnesses and signed by them respectively, and he herewith returns the same enclosed to the Court.

Witness my hand this 26th. day, of October A. D. 1888

Clayton O. Needy -  
Examiner -

Agreement  
Submit Cases  
for decision

Quere.