

No. 5699 Equity

9th Int. State whether or not it would be to the benefit and advantage of the parties interested, in the lands herein mentioned, adults and infants, to sell the same and dispose of the money as herein indicated?

Ans. Yes Sir, I feel very sure of it. I have spoken to all of my children about it. Those who are infants are old enough to know what they are talking about and they all agreed that it would be best to sell the land as herein proposed.

To the Gen. Int by the Examiner

Ans. I do not

(signed) Mary E. Ecker

George W. Gittings Sr. a witness of lawful age produced on the part of the Plaintiff, being duly sworn and examined deposes and says

1st Int. State your name, age and residence and whether you know the parties to this cause?

Ans. George W. Gittings Sr. 80 years of age I live in Liberty Frederick County and know all the parties.

2^d Int. State the name, age and residence of Mrs. Ecker and her children who are the parties to the suit?

Ans. Mrs. Mary E. Ecker who is my daughter is about 49 years of age and resides in Frederick County. She is the widow of Levi Ecker who died 13 or 14 years ago by whom she had the following children who are the parties to this suit

1. Mrs. Ellen L. Kemp wife of Alex Kemp both of whom are adults and reside in Montgomery County.

2. Mrs. Ida May Eyster an adult daughter who lives with her husband Anderson Eyster in Frederick County.

3. Cordelia E. Eyster wife of Augustus Eyster both adults living in Frederick County.

4. George L. Ecker an unmarried adult son who lives in the State of Ohio.
5. Albert W. Ecker an adult son who lives with his wife Jennie S. Ecker in Frederick County.

6. Thomas C. Ecker an unmarried infant son who lives in Montgomery County.

7. Cora Belle Ecker an unmarried infant daughter who lives in Frederick County.

8. Leonard J. Ecker an unmarried infant son who lives in Frederick County.

3^d Int. State whether or not you know the land mentioned in this Bill, to whom it now belongs, its quantity and value per acre?

Ans. I know the land very well Levi Ecker bought this land from Men. Worner, Carter and Manly Trustees, at Trustees sale and made the first payment; but died before he made the remaining payments and without receiving a deed. Before his death he sold a portion thereof to Mrs. Mary McAbel. The said Trustees deeded Mrs. McAbel's portion to her direct and deeded the remainder to Mrs. Ecker and her children as will appear in Exhibit No 2. The tract contains somewhere about 16 acres and is worth about \$16⁰⁰ per acre. Mr. Ed. Kofke who has offered \$16⁰⁰ per acre for it has other wood land very close to it - that is the reason he wants it. No one else would be likely to give that for it. I think that offer had better be accepted because I regard that as a very good price for it.

4th Int. Is the property susceptible of division without loss and injury?