No. 5666 Equity

6th Int. State whether or not said real estate is susceptible of division among said parties without loss and injury and whether or not it would be to the benefit and advantage of said children to have the same sold and the proceeds divided and give your reasons for your answer?

Ans. It is not susceptible of division without loss and injury and it would be to the advantage of all to have it sold and the proceeds divided because there is no rent accruing from it and there is nobody to look after it and the property is liable to go down.

To Gen. by the Examr.

Ans. I do not.

(Signed) Wm. G. Baker

adjourned to Sept. 23, 1890.

Alex. J. McKenna a witness of lawful age produced on the part of the Plaintiff being duly sworn and examined depose and says:

1st Int. State your name, age and residence?

Ans. A. J. McKenna, 45 years. Buckeystown Frederick County.

2. Int. Do you know the parties to this cause and if so how long?

Ans. I know them all and have known them for years there.

3. Int. Did you know Ettie A. Kelly? If yes, is she living or dead: if dead when and where did she die and did she die testate or intestate?

— I knew her, she is dead. She died in Buckeystown Frederick County about December 1888. She left no will.

4th Int. Did the said Ettie A. Kelly die seized and possessed of any real estate? If yes, describe the same and give its value?

Ans. She did. It consists of a house and lot in Buckeystown which is fully described in Exhibit No. 1. now shown me. It is worth about $500.—

5th Int. Did the said Ettie A. Kelly leave any children or heirs at law surviving her? If yes give their names ages and residences?

Ans. She left children, but no husband. She left seven children as follows: (1) Rosa Kelly, (2) Daniel Kelly Jr. (3) Cornelius Kelly and (4) a daughter Grace Kelly all of whom reside in the State of Illinois (5) a daughter Ida Kelly (6) a daughter Fanny Kelly and a son Raymond E. Kelly all of whom reside in Frederick County Md. All of said children are infants under twenty one years of age.

6th Int. State whether or not said real estate is susceptible of division among said parties without loss and injury and whether or not it would be to the benefit and advantage of said children to have the same sold and the proceeds divided and give your reasons for your answer?

Ans. It can not be divided among them without loss and injury because it is a house and lot in town and can not be so divided in the nature of things. I think it would be to the benefit and advantage of the parties to have it sold and the proceeds divided because there is no rent accruing from it and the property will naturally depreciate in value.

To the Gen. Int. by the Examiner

Ans. That is about all I know.

(Signed) A. J. McKenna

Decree