No. 5715 Equity

4. Samuel E Dempsey 5. Morgan H Dempsey 6. Rose M Dempsey
7. Elsie E Dempsey 8. Effie D. Dempsey 9. Mattie R Dempsey
all the above named parties are adults except the last five named children of Franklin M. Dempsey deceased, who are infants; and all of said parties are residents of Howard Co. Md. Excepting Thomas Ebeler and wife and C Irving Lyddy and wife, who live in Frederick Co. Md.
Margaret A. Dempsey widow of Warner Dempsey died intestate in April 1890, and left the same persons named above as her heirs at law. She was seized and possessed of about 2 acres of land which joyns that of which her husband died seized and possessed of: her land and that of her husband constitutes one indivisible place, the house standing on her land and the spring house and two other small buildings on his land: the said land cannot be divided among these parties without great loss and injury, nor can the land of the husband be divided from the land of the wife without great loss, and the only rational way is to sell the land and divide the proceeds. The value of her land I estimate at $200.00 and that of his at about $150.00, the total Estimate of the land being about $350.00

To the general interrogatory propounded by the Examiner
I dont know any thing further
(Signed) Weeden Clary

William Clay of P. 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 Clay of P. my age is 57 years, and reside in Woodville Dist. Fred.k Co. Md. near this Dempsey property
I know all the parties to this suit, and knew Warner Dempsey and his widow Margaret they are both dead and died without leaving wills, they left children and grand children, whose names, ages and residence are correctly given by Weeden Clary the preceding witness whose testimony I heard, as their respective heirs at law, I know the land of which each died seized and possessed and which is correctly described in Exhibits 1. 2 & 3. in this cause. the said land cannot be divided among the parties in interest without great loss because the tracts are too small, nor can they be divided one from the other, because part of the buildings are on the land of the old lady's and part on the old gentleman's land, the only practical way is to sell the land as a whole and divide the proceeds. I would estimate the land of the old lady's to be $200.00 and that of the old gentleman's at $150.00.
Margaret A Dempsey for about three years before her death was of unsound mind, and part of this time she was an invalid, and for about six years before her death, she was maintained by her son Amos W. for the first three years her maintenance and support was worth about $75.00 per year and for the last three years worth about $150.00 per year as he estimates
To the General Interrogatory propounded by the Examiner
I know that I dug Margaret Dempsey's grave and Amos W. Dempsey paid me $3.00 for it. And I understand he (Amos) bore the other General Expenses
Test Wm Wilcox William his x mark Clay of P.

Decree