No. 5588 Equity

Frederick County and all are adults Kept Margaret E. Cordelia Ann Sarah R.
5 Int. Is said real estate susceptible of division among said children
without loss and injury thereto and would it or not be to the interest
and advantage of all infants as well as adults for said real estate to be
sold and the proceeds divided among them? State your opinion fully
and your reasons therefor.
Ans. Said real estate is not susceptible of division among said
children without loss and injury thereto and it would be to the interest
and advantage of all to have the same sold and the proceeds divided.
From the location of the land it could not be divided into ten parts: or in
fact it could not be divided at all advantageously: there are only set of
buildings on it. It would be to the advantage of all to have it sold from the
fact that for the last few years it has not paid Expenses.
6th Int. Is there a mortgage on said real estate? If yes, who holds the
same and what is the amount now due? Look at Exhibit No 3. and state
if that is a copy of said Mortgage?
Ans. There is. It is now held by Thomas W. Fisher Trustee.
The Amount due is $2000. with interest from Oct. 1. 1889.
Exhibit No 3. is a Copy of said Mortgage.
To the Gen. Int. by the Examiner
I don't know of anything further
Wilbur H. Durrell

Oliver N. Durrell a witness of lawful age produced on the part of
the Plaintiffs being duly sworn and examined to Interrogatories defore and sep-
1st Int. State your name, age and residence?
Ans. Oliver N. Durrell, age 21 years and I reside near Urbana in Frederick County.
2. Int. Did you know Benjamin W. Durrell late of Frederick County?
If yes, is he living or dead, if dead when and where did he die and did he
die testate or intestate?
Ans. I knew him. He was my father. He is dead. He died at Urbana
in Frederick County in September 1881 and left no will.
3rd Int. Did the said Benjamin W. Durrell die seized and possessed of
any real estate in Frederick County? If you describe the same, state
its value and look at Exhibits No 1. & 2. now shown you and state
whether the real estate described in Exhibit No 1. is that of which
he died seized and possessed?
Ans. He did. It consists of a farm in Urbana District in said County
of about 205 acres worth about $35 per acre. I look at Exhibit
No. 1. and that describes said real estate Excepting therefrom the land
conveyed away and described in Exhibit No 2.
4 Int. Did the said Benjamin W. Durrell die leaving any children
or other heirs at law? If yes, give their names, ages and residences
and the same facts of their husbands and wives, if any?
Ans. He did. He left the following children as his only heirs at law, viz—
(1) Wilbur H. Durrell married to Lola M. his wife.
(2) Nannie B. who is unmarried.
(3) Grafton A. who is married to Mollie his wife,
(4) Emma J Doll wife of Alexander Doll.