No. 5774 Equity.

and residents of Frederick County and also two Grand Children, Hettie M. J. Houck and Talbot J. Houck both of whom are infants under 21 years of age residing in Frederick County and the Children of a deceased Daughter (Jennie Houck) who died about six years ago,

5th Int. State whether the said real Estate was Mortgaged? If so to whome and who now holds the said Mortgage and the Amount yet due thereon?

Ans. It was Mortgaged to Mary E. Shunier and I now hold by assignment the said Mortgage and accompanying Note, when I took the assignment on Jany 3: 1891. there was yet due on said Mortgage the sum of $250.= principal and interest which amount is yet unpaid,

6th Int. State whether or not said real Estate is susceptible of partition among said parties without loss and injury and whether it would be to the interest and advantage of all the parties especially the infants to have the same sold and the proceeds divided and state your reason for your answer

Ans. It is not susceptible of division without loss and injury because the tract is too small and there is but one set of buildings on it, I think it would be to the interest and advantage of all the parties to have said real Estate sold and the proceeds divided because the property would from depreciate in value.

To the Gen. Int. by the Examiner.

Ans. I know of nothing further.

William F. Duvall

John T. Taylor a witness of lawful age produced on the part of the plaintiff being duly sworn and examined deposes and says as follows:—

1st Int. State your name age and residence?

Ans. Jno T. Taylor. 53 years Mt. Pleasant Frederick Co. Md.

2 Int. Did you know Daniel J. Hemp late of Frederick County? If you do he living or dead? If dead, when and where did he die and did he die testate or intestate?

Ans. I knew him. He is dead He died in Frederick Co. last April (1890). He left no will.

3rd Int. Did the said Daniel J. Hemp die seized and possessed of any real Estate in Frederick County?

If you describe the same give its quantity and value only look at Exhibit No 1. now shown you and state if that describes it?

Ans. He did. He died seized and possessed of about 9½ acres of land in Mt. Pleasant District Frederick County, worth about $3000.= Exhibit No 1. describes said real Estate.

Decree.