No. 5895 Equity.

Testimony.

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George F. Kimmel and wife and others.

vs.

George Mehling and wife and others.

No. 5895 Equity

In the Circuit Court for Frederick County, sitting as a Court of Equity.

In pursuance of an order of the Court in the above entitled cause and notice given me by the solicitor for the Plaintiff, I, Elmyton O. Keedy one of the regular Examiners of said Court duly appointed, qualified and sworn, having met at my office in Frederick City Maryland and assigned the first day of February A.D. 1892 at the place aforesaid as the time and place for taking the testimony in this Cause and having given due notice thereof to the parties concerned did at the appointed time and place proceed to take the following testimony to wit:-

The Plaintiff filed with the Examiner as Evidence Exhibits No. 1. 2. & 3 which are hereunto returned

Elton G. Kimmel a witness of lawful age produced on the part of the Plaintiff being duly sworn and Examined Viva Voce deposes and says as follows:-

My name is Elton G. Kimmel, my age 32 years and I reside near Mt Philip in Frederick County. I knew Frederick Kimmel late of Frederick County, he was my father. He is dead. He died near Mt Philip in Frederick County in March 1891 and left no will.

He died seized and possessed of real Estate in Frederick County, it consists of about 12 acres of land with improvements situated near Mt Philip in said County worth about $1500.= I look at Exhibits Nos 1. 2. & 3 now shown me and they describe the said real Estate.

The said Frederick Kimmel left at the time of his death a widow who died on December 12. 1891 and the following Children and Grand Children who are yet living as follows:-

(1) A son George F. Kimmel whose wife's name is Catharine.
(2) A daughter, Mary E. Mehling, who is wife of George Mehling.
(3) A son William H. Kimmel whose wife's name is Catharine.
(4) A son Elton G. Kimmel (present witness) who is unmarried,
(5) A son Charles J. Kimmel, who is unmarried,
(6) A daughter Annie M. E. Hockman, who is the wife Nathaniel E. Hockman
(7) A daughter Amanda A. Stride, who is the wife of John Stride.
(8) And the following grand-children who are the children of a deceased son John Kimmel viz:- Marcie Kimmel, Katie Kimmel, Charlotte Kimmel Frederick Kimmel and John Kimmel all of whom are minors under 21 years of age.

All of the other parties are adults over 21 years of age and all of the parties adult and infants reside in Frederick County. Except George F. Kimmel and wife

The said real Estate is not susceptable of division among the parties without loss and injury thereto because it is so small a tract of land and could not be partitioned out with the improvements into that