

No. 5949. Equity.

Following Children viz - Nancy Catherine who married - Hensel both of whom reside in the State of West Virginia, and Charles H. Harbaugh who has died since his father intestate and without issue, and

- Jacob Chas Harbaugh
 - Margina Alice Harbaugh
 - Isa F. Harbaugh
 - Billy Harbaugh,
- Ellen N. Harbaugh
 - George H. Harbaugh
 - Ann R. Harbaugh and

children, who has since died without issue, all of said Children, are of full age and reside in the State of Kansas. I also know William Harbaugh another of the tenants in Common, he is a widower, an adult and lives in Frederick County Md.

I also know Elias Harbaugh, another of said tenants in Common. He is dead he died intestate in Frederick County leaving a widow named Catherine Harbaugh an adult who lives in Frederick County and the following Children viz Susan Barbara Harbaugh, Wlysses Grant Harbaugh, Maria Nora who is now the wife of Tracy Delander, all of whom are of full age and reside in Frederick County.

I. Union W. Harbaugh, who married Elizabeth Smith and one of the Complainants, we are both adults living in Frederick County. Susan Harbaugh was another of said tenants in Common, she was married to Dr. David Barick, she is now a widow an adult and lives in the State of Pennsylvania.

I am acquainted with the land described in the proceedings I look at the paper now shown me Marked Exhibit A and that correctly described the land, it is a tract of Mountain land unenclosed, containing 121 acres and 24 sq. perches of land, it is worth between one and three dollars per acre.

Said land can not be divided among the parties interested without great loss and injury thereto for the various obvious reason that the parties are too numerous and the value of the land too small to admit of any such division and it would be better to sell the land and divide the proceeds of sale.

To the Gen. Int. by the Complainers,
Ans I do not.

J. W. Harbaugh

Leonard C. Harbaugh a witness of lawful age produce on the part of the part of the Plaintiff being duly sworn and examined viva voce deposes and says as follows
My name is Leonard C. Harbaugh; my age 47 years; I reside in Frederick County and know the parties to this suit. I am one of the Complainants and a son of Leonard Harbaugh one of the tenants in Common of the land here mentioned. I was acquainted with Leonard Harbaugh one of said tenants in Common. He is dead. He died in Frederick