

No. 7119 Equity.

Testimony

Testimony.

Smith, 'Exhibit B' now shown me is a certified copy of the deed and is correct, save and except that the name of the grantee is written wrong - the John L. Smith the grantee named in this deed is intended for my father, John T. Smith, I am sure of that for I was there when this land was surveyed and from that time, it was a part of my father's John T. Smith's farm.

Another of said five pieces or parcels of land containing four acres more or less was conveyed to my father John T. Smith by N. N. Spady Administrator, 'Exhibit C' now shown me is a certified copy of said deed and properly describes said land. Another of the 5 pieces or parcels of land containing 22 acres of land more or less, was conveyed to my father, John T. Smith, by Susan and Martin L. Middlekauff Executor. 'Exhibit D' now shown me is a certified copy of said deed and properly describes said piece of land. The remaining one of the five pieces or parcels of land was conveyed unto my father John T. Smith by Alfred Smith and wife and contains 14 acres more or less of land. 'Exhibit E' is a certified copy of said deed and properly describes said deed. My father, John T. Smith, died intestate during the month of February A.D. 1890, and left surviving him a widow, Maria Smith and the following children as his heirs at law, Alfred an adult son whose wife's name is Clara Smith. I am the second son, my wife's name is Sarah, Emory an adult son whose wife's name is May E. Smith; Martha Jane an adult daughter who married Spenton L. Palmer; Emma C. and adult daughter whose husband is Lewis Brown James E. an adult son, whose wife's name is Mary E. Smith; Sallie Amanda, an adult daughter, whose husband's name is William F. Smith, all of whom except my sister Sallie Amanda are living and reside in Washington County, Maryland, also Tracy an adult son whose wife's name is Mabel E. Smith, who are non-residents of this state, living at Rock Falls, Whiteside Co. Illinois, also Lucy B. an adult daughter whose husband's name is Albert Torcht who reside in Frederick County, Maryland, also Walter an adult son who is summoned and who resides with my mother in Frederick County, Maryland, also Chester, a son who has departed this life since my father's death. He was about 19 years old and who died in August A.D. 1897. Leaving no wife or children surviving him, also Otto a son who is under the age of 21 years and whose wife's name is Flora Smith and who reside in Washington County, Maryland, also Elmer an infant son under the age of 21 years, and who is unmarried and resides with my mother in Frederick County, Maryland, since the death of my father, to-wit: on the 8th day of January A.D. 1897, died intestate, my sister Sallie Amanda Smith, leaving surviving her a husband William F. Smith and the following children, Merna a son, Pearl, a daughter, Paulah, a daughter, Russell a son, and Charles, a son, all of whom are infants under the age of 21 years and who reside with their father in Washington County, and with my mother.

That the said lands are not capable or susceptible of division without great loss and injury and it would be to the interest and advantage of all the parties that the said land should be sold and the proceeds divided among all those entitled.

I should say in my judgment the property is worth about \$1500."

To the General Interrogatory.

"Nothing more"

Logan Smith.

Walter Smith a witness of lawful age, produced on the part of the plaintiff being first duly sworn deposes and says as follows.