

No. 7119 Equity.

Testimony.

My name is Walter Smith, I am 24 years of age and I am a son of the late John T. Smith and a brother of the Cyrus Smith who testified and whose testimony I have listened to, I am one of the Plaintiffs in this cause, I fully concur in all that my brother Cyrus Smith has sworn to and there are no corrections or additions I can make thereto, I am of the opinion it would result in loss and injury, to us all, to attempt to divide the land mentioned in these proceedings amongst my Father's heirs and that it would be to the best interest and to the advantage of all concerned, to have said land sold and the proceeds divided, I agree with my brother as to its value (\$1500.00).

To the General Interrogatory,

"Nothing further"

Walter Smith,

Daniel Wolfe a witness of lawful age produced on the part of the plaintiffs being first duly sworn deposes and says as follows:

My name is Daniel Wolfe, I am about 65 years of age, I reside in Harvick District in this county, I know all the parties to this proceeding, I have no interest in the case whatever, I know John T. Smith in his life time, in fact we were boys together and lived neighbors all our lives, He was seized and possessed at the time of his death of a farm of 65 or 70 acres of land, I don't know exactly how much, situated in Harvick Election District in this county, This farm is composed of several tracts of land - one of which John T. Smith purchased of Joshua Dill, Trustee and contains about 25 acres; another he bought of his father John Smith of L., contains about 8 acres, I know John T. Smith bought this 8 acres of land of his father John Smith of L. I know that because I have heard both of them say so. He bought several other pieces of land from different parties, one from Middleburg one from his son Alfred - John T. Smith died about ten years ago. He left no will that I ever heard of. He left a widow Maria Smith and the following children - Alfred an adult son whose marriage I know, Maria my daughter, Cyrus a son, who married Sarah E. Kendall, Emory a son who married Mary E. Brandenburg; Martha Jane a daughter who married Fenton Palmer; Emma C. a daughter who married Lewis Barron, James E. a son who married Mary Bruner; Sallie, Amanda a daughter who married William F. Smith these are or were adults and reside in this state. Lucy a daughter who married Albert Forcht; Walter a adult son who is unmarried, these also reside in this county, Otho a son who married Flora Horn, I don't think Otho is of age, they live in Washington county, Elmer a son is about 17 years old and lives with his mother at the old home. There is a son Tracy who lives in the state of Illinois. He also had a son Levester who was killed several years ago, he was unmarried and left no children, Sallie Amanda Smith is dead, she died about a year ago, her husband William F. Smith survives her, they had a number of children I don't know how many, but they are all under age.

Mrs. Maria Smith the widow of John T. Smith lives at the old home in this county, she is about 60 or 65 years of age, I don't see how this land could be divided with any satisfaction to any of them. It would be almost impossible to divide it equally & would result in loss if they would attempt it, It would be better for all of them if the property, was sold and the proceeds were divided amongst them settled to those in it. I would consider the property worth \$1500.00 to any man.

save with I am time; or exhibit said. more able- and son Smith copy before and me is upon mar- in Brown on receipt does residents. the above better county. the or wife can in- b; my the leaving. a son, of whom in sees and lat the id. iff