

No. 7541 Equity

Testimony re,

Do you or not know the children of Charles Smith's present wife and if you give their names?

Ans. I do - Nester Ann Smith is his present wife & the only wife he ever had, his children are George L. Smith, Harry C. Smith, William C. & Charles F. & Elizabeth S. Smith, all adults, and Mattie M. Smith an infant all of whom reside in Frederick County Maryland and are some of the defendants in this cause.

7th Are any of the children married & if you give their husbands or wives name?

Ans. George L. Smith is married & his wife name is Sarah. Harry C. Smith is married and his wife name is Mattie Smith, and they reside in Frederick County, Maryland, and are some of the defendants.

8th I see by reference to the will you refer to, that there is mentioned made of "My daughter Charlotte" State whether or not you know her and if you is she living or dead?

Ans. I know of her, she is dead now & has been dead a good while.

9th Who are the two children named in said Will as "Francis and Thomas"?

Ans. Charlotte married a Staley and their children "Francis and Thomas" were the son and daughter born of that marriage Francis Staley intermarried with William L. Davis both of whom are adults & reside in this County & are parties defendant in this cause Thomas Staley the son was married and lived in Martinsburg, West Virginia. He and his wife are both dead and they left the following children: Essie Staley who intermarried with David Ward both of whom are adults and reside in McKeesport, Penna. Lottie Staley an adult. James Staley, John Staley, William Staley and Charles Staley infants all of whom reside in Martinsburg, West Virginia and are parties defendant.

10th State whether or not the Real Estate you have described can be divided between Hinkley and the Defendants according to their several interests without loss or injury to them and will it be for the best interest and advantage to all the parties in interest especially to the infant defendants to have the same sold and the proceeds divided according to their respective interests.
Ans. I think so yes. It would not be possible to divide the land itself. I don't see how it could be done & it would be in my opinion very much to the advantage of all the parties in interest and especially to the advantage of the infant defendants to have the same sold by a decree of the Court & the proceeds of such sale divided amongst the parties according to their respective interests therein.

11th What in your opinion is the value of this property?

Ans. It may bring \$1800.00 or \$2000.00

To the General Interrogatory propounded by the Examiner.

Ans. Nothing more than that I should think it would be best to sell the property. It is deteriorating in value and the revenue derived from

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