

NO 7763 Equity

tract 132 acres and second tract contains about 20 acres, aggregating about 152 acres, this is worth \$5 or 6 per acre.

I look at Exhibit No. 1, and it is the home place. This is the farm containing about 81 acres of land, more or less, improved with a good dwelling house, bank barn and other outbuildings.

In my judgment there are about 15 acres arable land and balance in timber. This property is worth about \$20 to \$25 per acre.

3rd.

Did you know Theodore Smith, in his lifetime, as he living or dead, if dead, when did he die, and did he die testate or intestate -

Ans

I knew Theodore Smith in his lifetime - he is dead he died the 14th day of April 1904, and he died intestate -

He left a widow surviving him, whose name is Cora Smith. She is about 52 years old, and I understand she resides in Indiana. She is his second wife, and by whom he had, was left no children. He had the following children by his first wife, her name was Alice Smith, and she is dead. She died the 1st of March 1900. The children he left by her are, Harry R. Smith, who is an adult, and who is unmarried - Corie A., an adult daughter who is married to Ira H. Foyor, and born L. Smith a son, Edgar D. Smith, a son, Harry J. Smith, a son, Ritchie Smith a son, the latter four are infants residing in Frederick County. Harry R. Smith resides in Frederick County, and Carrie O. Foyor and Ira H. Foyor, her husband reside in Baltimore County.

This real estate is not susceptible of division amongst the parties entitled to interests therein without loss and injury to the parties and it would be to the interest and advantage of all the parties, and especially the infants that all the real estate described in Exhibits No. 1-2-3 be sold and the proceeds thereof divided among the parties, entitled thereto, according to their respective rights. - (Exhibits No. 1, 2 & 3 filed with the Examiner and returned with the testimony)

4th.

Are you acquainted with the signature of Theodore Smith?
I know Theodore Smith's signature I have seen him write his name very frequently.

Ans

5th