

No. 8197. Equity.

& necessary outbuildings and is worth in my opinion about \$1000-. This land is not susceptible of partition or division amongst the parties entitled to it without loss or injury to the parties interested therein, because it has always been formed as one tract. Since Mrs. Mary M. Smith has owned it and the partition of the tract would impair the value of it all. I think a sale of this land under a decree of the Court would be to the benefit and advantage of all the parties entitled to it.

Genl. In. To the General Interrogatory.

Ans. Nothing more.

Geo. Smith.

(1 day, 18 miles)

Newton A. Wacker, a witness of lawful age produced on the part of the Plaintiff being first duly sworn and examined Verisvoer depona and says as follows:

My name is Newton A. Wacker I am 30 years of age and I reside near Rocky Ridge this County. I know all the parties to this Cause, and the land mentioned in these proceedings. I knew Mrs. Mary M. Smith for 25 years before her death in November 1906. she was a Widow when she died. Her husband was William F. Smith, who died in or about 1880. Mrs. Mary M. Smith left no last will and Testament and was seized and possessed at the time of the decease of about 40 acres of land situated in Frederick County, Maryland, worth in my opinion about \$1000.00 this land is Amely described in Exhibits # 1-2-3 to the Bill, which I have seen. Mrs. Mary M. Smith left surviving her at the time of her decease the following children and heirs at law, William F. Smith an Adult Son whose wife's name is Alice F. Smith; Edgar A. Smith and Adult unmarried son all of whom reside in Frederick County, Maryland. Lelia May Fogle an adult daughter whose husband's name is Sinclair A. Fogle, they reside in Baltimore City - Maryland, then there was an adult son Charles M. Smith who has died since her mother's death leaving surviving him a widow Emma L. Smith and two infant children whose name and ages are as follows Mary L. Smith aged 13 years and Helen L. Smith aged 9 years they reside with their mother in Washington County, Maryland