

NO. 3241. Equity.

To the 1st Sub. That said Lands cannot be divided without loss and injury to the parties concerned, and that it would be for the advantage & benefit of all the parties in interest that the same should be sold and the proceeds divided among them, that if divided the parcels would be so small that they could not be advantageously cultivated and could not be sold to my advantage.

William H. Albright, witness of lawful age, produced on the oath of the Complainant, being duly sworn and examined to interrogatories filed with the Commissioner by the Complainant and herewith returned deponee and says,

To the 1st Sub. That he is acquainted with all the parties to this suit, & has known them several years.

To the 2nd Sub. That he is acquainted with all the parties, and knew Josiah Boutzaker of G. that he died in Frederick County, Md. during the month of July Eighteen Hundred and sixty five.

To the 3rd Sub. That the said John Boutzaker of G. left a widow named Mary, who was now residing in Frederick County, Maryland, aforesaid. That she is above, or about forty six years of age and in good health.

To the 4th Sub. That he knows the real estate of which the said John Boutzaker died seized and possessed. That he looks at Exhibits 1, 2, 3, 4, 5, & 6 now ~~now~~ shown to him, and that the lands described therein is the real estate of which the said John Boutzaker of G. died seized & possessed.

To the 5th Sub. That John Boutzaker of G. died seized and possessed of Real Estate, intestate, leaving the following Children namely, Ann W. married to William H. Albright, Josiah, Sarah J. late in B. Charlotte E. Amanda E. Mary E. F. Emma F. Martin P. Laura V. and John W. Boutzaker all infants under the age of twenty one years, except Josiah, Ann W. and Sarah J. who are adults and all reside in Frederick County, Maryland.

To the 6th Sub. That said real estate consists of about two hundred and fifty acres of land - said land is now worth over seven thousand dollars.

To the 7th Sub. That said real estate cannot be advantageously divided among the heirs at law, but that a sale thereof will be of advantage and benefit all the parties intestate. If divided there will be some or twelve shares or parcels, and these so small it would be almost impossible to make an advantageous sale of said parcels and the improvements being about the Centre a division would be impossible dependent there a sale and distribution of the proceeds would be to the benefit and advantage of all parties concerned.

There being no other witnesses present to be examined and the Complainant desiring no further time for the production