No. 8851. Equity.

She and her husband both died prior to 1874: leaving two children she died intestate. Her children are Daniel Poyner whose wifes name, I do not know. they are both adults living in Manchester Perd Co. Ohio. and Mary Fisher wife of Ord Fisher both adults residing in Montgomery County. Ohio and defendants in this Cause.

The said David Specht who died about October 1874. are mentioned in the beginning of my testimony was seized and possessed, at the time of her death of tract or parcel of land containing 25. acres 3 Roods and 31 perches, of land situated in Frederick County which is fully described in "Exhibit D. S." herewith filed, after his death proceedings were taken in No. 8019. Equity in the Circuit Court for Frederick County, for the sale of said land and assignment of dower to her widow Ann E. Specht. By the decree in that Case, dated april 17-1895. her dower was assigned to her in two parcels, the one containing 53. A. 3. R. & 30 perches of land and the other containing 20. acres of land as will fully appear by Exhibit A. filed with the Bill. Subsequently the Baltimore and Ohio Rail Road Company acquired by Condemnation. 6 8/10 Acres off of the 53 acres parcel as will appear by Exhibit B. filed with the Bill.

The said Ann E. Specht being now dead, the aforesaid real estate which was assigned to her as and for her dower, is now vested in the aforenamed Collateral heirs, at law, of her husband David Specht as tenants in Common, and then assigned as shown by the Exhibit herein.

The aforesaid two tracts or parcels of land are not susceptible of division or partition among the parties now interested therein without great loss and injury because they are so very numerous and the only way to make a division of the interests in by a sale of said land and a division of the proceeds.

To the best of my knowledge the parties named in the aforegoing testimony are all the persons interested in said land. The said two parcels of land are worth about $7000=

To the 6th Int by the Examiner.

Ans Nothing further that I know of
Upton S. Michael

(Adjourned to March 5-1913)

Bettie A. Specht, a witness of lawful age produced on the parts of the Plaintiff being duly sworn and Examined Vive voce deposes and Says as follows