

No. 9966 Equity.

McNair in her life time, She is dead; she died about Feb'y 25th, A.D., 1919, She left surviving her her the following children as her only heirs at law, Benjamin McNair, an adult son, Robert McNair, an adult son, Mary McNair an adult daughter, an Helen McNair an infant daughter all residents of Frederick County, Maryland, Robert McNair, and adult son whose wife's name is Eva McNair; Maud Musselman, an adult daughter, whose husband's name is F. Millford Musselman, Carrie Plank, an adult daughter whose husband's name is Cleveland Plank, and Alice McNair, An Adult daughter, all nonresidents of the State of Maryland, and residing in the State of Pennsylvania, and Harry McNair, an adult son whose wife's name is Helen McNair, residing in Carroll County, Maryland, the above named are the only heirs at law, of Alice McNair, as her husband predeceased her, Alice McNair died without leaving a will seized and possessed of a certain tract or parcel of land, or real estate, situated in Emmitsburg District, Frederick County, Maryland, being a certain lot improved with a dwelling and other buildings, I look at the paper marked Exhibit No. I. filed with the Bill, it is a certified copy of a deed from Zourie Wentz, and Charles G. Wentz, her husband, to Alice McNair, conveying a lot situated in Emmitsburg on the south side of east Main Street being lot No 32 with all improvements, thereon, which deed is recorded in Liber No. 334, Folio 572,

one of the land records of Frederick County, This property in my judgment is worth about \$4000. and is incapable of division, and partition among the parties, entitled without loss and injury, In my Judgment it would be to the benefit and advantage of the infant heir, Helen McNair as well as to the benefit and advantage of all the parties interested, if this property were to be sold either at public or private sale, and the proceeds of said sale equally divided among the children of the said Alice McNair, Robert McNair one of the Defendants in this cause is the Administrator of Alice McNair's estate.

Cross Examination waived,  
To General interrogatory.

Nothing Further.

Albert, M. Patterson.

JOHN A HORNER, a witness of lawful age, I am sixty years of age, and I reside in Emmitsburg Frederick County, Maryland, I am deputy in the office of the Register of wills for Frederick County, I know all the parties to this cause, I knew Alice McNair in her lifetime, she is dead, she died about February 25th, A.D., 1919, she left surviving her the following children as her only heirs at law, Benjamin McNair, an adult son, Robert McNair and adult son, Mary McNair, an adult and Helen McNair an infant daughter, all residents of Frederick County, Maryland, Robert McNair an adult son, whose wife's name is Eva McNair, Maude Musselman an adult daughter whose husband's name is F. Millford Musselman, Carrie Plank, an adult daughter, whose husband's name is Cleveland Plank, and Alice McNair, an adult daughter, all non-residents of the State of Maryland, and residing in the State of Pennsylvania, and Harry McNair, an adult son whose wife's name is Helen McNair, residing in Carroll County, Maryland, the above named are the only heirs at law of Alice McNair, as her husband predeceased her. Alice McNair died without leaving a will, and seized and possessed of a certain tract or parcel of real estate, situated in Emmitsburg, Frederick County, Maryland, being a certain lot improved with a dwelling and other outbuildings, I look at the paper now handed me marked Exhibit No. 1. filed with the bill, it is a certified copy of a deed from Zouri Wentz and Charles G. Wentz, her husband, to Alice McNair, conveying a lot situated in Emmitsburg, on the south side of east main street, being lot No. 32 with all the improvements thereon, which deed is recorded in Liber No. 334, Folio 572, one of the land records of Frederick County, This property in my judgment is worth about \$4000. and is incapable of division and partition amongst the parties entitled without loss and injury,

in my judgment it would be to the benefit and advantage of the infant heir, Helen McNair, as well as to the benefit of and advantage to all the parties interested, if this property were to be sold either at private or public sale, and the proceeds of said sale equally divided among the children of the said Alice McNair, Robert McNair, one of the defendants in this case, is the administrator of Alice McNair's estate,

Cross examination waived,  
To General interrogatory

Nothing further.

John A. Horner.

Whereupon there being no further time required for the production of Testimony in this cause and no other witnesses to be examined I. D. Princeton Buskey, the aforesaid Examiner in this cause, do hereby certify that the foregoing are the original depositions in this cause as the same were read over to the witnesses and signed by them respectively and I hereby return the same enclosed along with all other exhibits, to your Honorable Court,