1st. State your name, age, place of residence and occupation.

2nd Are you acquainted with the Parties to this suit, and if yes how long have you known them respectively

3rd Are you acquainted with the land & premises in controversy in this suit

4th Are you acquainted with the location and character of the fifty acres of land upon which Mary Cutsail widow of Peter Cutsail resided after the death of her husband up to the time of her death if so please state whether the same can be advantageously divided among the children of Sally Cutsail the daughter of said Mary and Peter Cutsail or whether it would or would not be best to have the same sold and the proceeds of sale divided among them.

J. E. R. Wood
Solicitor for Complainants.

Filed June 20. 1871.

Testimony

No 3463 Equity

At the execution of the annexed Commission issued out of the Circuit Court for Frederick County as a Court of Equity and to me directed and empowering me to examine witnesses in the cause depending in the said Court between William P Thompson as Complainant and Charles F Thompson and others as Defendants I, George K Shellman the Commissioner therein named having taken the Oath annexed to the said Commission did on the 19th day of June A.D. 1871 at my Office in the City of Frederick pursuant to previous notice thereof given to the Solicitors of the said parties and in the presence of the said Solicitors proceed to take the following depositions to wit:

John H Fogle, a witness of lawful age produced on the part of the Complainant being duly sworn and examined to interrogatories filed with the Commissioner by the Complainants Solicitor and hereunto returned, deposes and says.

To the 1st Interrogatory That his name is John H Fogle, his age thirty eight years, his residence New Market District in Frederick County and his occupation Farming.

To the 2nd Int. That he knows all the parties to this suit and has known them seven or Eight years.

To the 3rd Int That he is acquainted with the land and premises in controversy in this suit.

To 4th Int. That he is acquainted with the location and character of the fifty acres of land on which said Mary Cutsail resided at the time of her death and for the length of time that deponent knew her, that he does not think said fifty Acres of land could be advantageously divided among the children of Sally Cutsail mentioned in the interrogatory, that the portions would be so small as materially to lessen the value of the property and from its location it is not susceptible of division into so many portions, and that it would be