

the parties, in this cause, take write down and Transcribe, the depositions of all, and every the witness & witnesses produced & examined by the Commissioners. named in the Commission hereunto annexed as far forth as you are directed, and employed, by said Commissioners to take write down, and Transcribe the said depositions or any of them so help you God

Joseph Smith Sr
John Smith &
Thomas Smith
John W. Wilkes
and others.

No 2396 In the Circuit Court for Frederick County sitting as a Court of Equity. Interrogatories to be propounded to the witnesses, to be summoned on the part of the Complainants. First Interrogatory are you or not acquainted with the parties to this suit? If yes, which of them and how long have you known them? Second Interrogatory do you or not know the children, and heirs at Law of Joseph Smith, late of Frederick County? If you please state their names, and whether & which of them are Infants, under the age of Twenty one years Third Interrogatory Have you, any knowledge of the Real Estate, of which said Joseph Smith died seized & possessed? If you will said Real Estate admit of a Division, amongst all the said heirs at Law & Tenants in Common, and will it or not be of the advantage of all the parties interested that said Real Estate should be sold, and the proceeds distributed amongst them, according to their respective rights Fourth Interrogatory, did or did not the said Joseph Smith, leave a widow? If you please state her name, her age, as near as you can and also the State of her health
Grayson Eckelberger Sells
For Complainants

Comrs At the execution of the annexed Commission, issued out of the Circuit Court for Frederick County sitting as a Court of Equity, and to me directed, and empowering me to examine Evidence in the cause depending in the said Court between Joseph Smith Sr, John Smith & Thomas Smith, Complainants, and John W. Wilkes Mary his wife, & others Defendants I Frederick J Nelson, Commissioner therein named having on the 14. Day of June 1852 at the Office of Palmer Eckelberger, pursuant to previous notice thereof given to the said parties, and taken the oath annexed to the said Commission and having appointed James Kerrigan Jr my clerk, and administering to him the oath annexed to the said Commission, to be taken by him, did proceed then and there in the presence of Complainants Solicitors, to take the following depositions, to wit Daniel Sweetman - a witness of lawful age, produced on the part of the Complainant, and herewith returned deposes & says To 1st Interrogatory - That he is acquainted with the parties to this suit - and has known them for many years To 2nd Interrogatory - That he does know the children, and heirs at Law of Joseph Smith, late of Frederick County deceaseds their names are John Smith Thomas Smith, Joseph Smith Mary married to John W. Wilkes Margaret married to Ephm Stone Sarah married to Dr. Reuben Seawell, Samuel Smith Ephraim R Smith James T Smith Samuel Ephraim R and James J and Infants, under the age of 21 years, To the 3rd Interrogatory, That he does know the Real Estate of which Joseph Smith died seized & possessed That said Real Estate will not admit of a Division, among the heirs -