

who reside in the City of Baltimore, in this State & Algernon S. Bantz, who is intermarried with Isabella Porter & reside in the State of Virginia. They are all over the age of Twenty one years, except the defendant, Peter S. Bantz, who is an Infant, under 21 years.

4<sup>th</sup> Inty. That Gideon Bantz sen. died leaving Real Estate - That said Real Estate is situated in Indued Town, in Frederick County Md. except a State quarry, situated on the Rail Road near Jamesville, in Frederick County, which deponent thinks, but is not perfectly certain he owned at the time of his death - The exhibits mentioned in the Interrogatory and shown to deponent are deeds for all said Real Estate, except said State quarry.

5<sup>th</sup> Inty. That said Real Estate is not susceptible of advantageous or equal division amongst those entitled - Deponent is of opinion, from the nature of the property, that it cannot be divided amongst so large a number, so as to make the division at all advantageous. Last Inty. That deponent knows nothing further of Importance.

There being no other witnesses to be examined, and no further time for the production of witnesses being desired, the Commissioner closed the said Commission & herewith returns the same, under his hand & seal, this 29<sup>th</sup> day of June, 1855.

Geo. K. Shellman

"Endorses" The execution of the within Commission, will appear by the papers.  
within returned"

Geo. K. Shellman

The following Interrogatories were filed with the Commissioner.

- Gideon Bantz & Julia Bantz his wife
- William S. Bantz & Caroline Bantz his wife
- Elizabeth M. Abbott, Theodora S. Bantz, and Cecilia Bantz his wife
- Edward Bantz & Malinda Bantz his wife
- Algernon S. Bantz & Isabella Bantz his wife
- Henry G. Davis & Catharine A. S. Davis his wife

In the Circuit Court for Frederick County sitting as a Court of Equity. Interrogatories to be proposed to the witnesses to be produced, and sworn, on the part of the Complainants.

Peter Samuel Bantz. First Interrogatory. Do you or do you not know the parties Complainants & defendant, in the title of these Interrogatories named, or any or which of them - If yes how long have you known them and each of them. Second Interrogatory - Did you, or did you not know Gideon Bantz Sr. If yes is he living or dead? If dead where did he die - and where did he reside at the time of his death. Third Interrogatory. Did the said Gideon Bantz sen. die leaving a will, or Intestate. If Intestate - Do you know whether he left a widow and children. If yes state the names of his widow, and the names, ages & place of residence of his children, and if any be married to whom. State fully all your knowledge herein. Fourth Interrogatory. Did, or did not - Gideon Bantz, Sr. die seized and possessed of Real Estate, if yes where is that Real Estate situate.

Look at the papers now shown you at the time of this your examination, marked Exhibits 1. 2. 3. 4. 5. 6. 7. and state whether the Real Estate referred to by you is embraced within these deeds.

Fifth Interrogatory. Is the Real Estate which the said Gideon Bantz sen. did seize and possess, and referred to in your answers to the preceding Interrogatory, susceptible of equal division among his children, if yes state your reasons, if not state your reasons why an equal division cannot be made. Lastly. Do you know or have you heard of any other matter, or thing which would tend to the benefit, or advantage of the Complainants in this cause. If yes, state the same fully, as if you were specially Interrogated therein.

William J. Rose, Solicitor for Complainants.

The following order was filed 30. July 1855.