

upon the Interrogatories now or which may hereafter, before the said Commission is closed, be produced to, and left with you, by either of the said parties.

So help you God. Sworn & Deposed.

Wm. Higgins.

Clerk's Oath.

You shall truly, faithfully, and without partiality, to any or either of the parties in this Cause, take, write down, and transcribe the depositions of all & every the witnesses & witnesses, produced & examined by the Commission, named in the Commission herunto annexed, as far forth as you are directed, and employed by the said Commission, to take write down, and transcribe the said depositions, or any of them.

So help you God.

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 Valerius Ebert, & John M. Ebert, as Complainants and Elizabeth M. Ebert, & others, as Defendants, J. George K. Shellman the Commissioner therein named, having taken the Oath annexed to said Commission, pursuant to Notice previously given, did proceed in the presence of E. S. Lowd Esq. Solicitor for the Complainants, and Jm. Palmer, Solicitor for the Defendants, on the 24th day of May, A.D. 1856, at my office in Frederick town, to take the following depositions, to wit:

George Mettgar, a witness of lawful age, produced on the part of the Complainants, being duly sworn, and examined to Interrogatories filed, with the Commission by the Complainants solicitor & herewith returned deposes & says. To 1st Inty. That he does know all the parties. To 2^d Inty. That he did know Augustus F. Ebert, & that he said Augustus F. Ebert is dead.

To 3^d Inty. That said A. F. Ebert, did leave three children, viz. Chauncey A. Ebert, Maria L. Ebert, & Augustus Ebert - That deponent does not know whom of them are over, or who under twenty one years of age.

To 4th Inty. That deponent did know John Ebert, mentioned in the Interrogatory and that he has been dead about six, or seven years.

To 5th Inty. That deponent knows the property, & that Mrs. Elizabeth M. Ebert, the widow of Augustus F. Ebert, has been from the 26th March, A.D. 1852, and now is either by herself, or Tenants in possession of said property.

(Residue of 4th Int. waived by Sellers)

To 6th Inty. That said property, cannot be so divided. To the 7th Inty. That it would be to the advantage of all the parties, that the property should be sold, it is getting out of repair.

Michael Bromett, - a witness of lawful age, produced on the part of the Complainants - being then sworn, and examined to the special Interrogatory filed with the Commission by the Complainants solicitor and herewith returned deposes & says. That he does know the property and lived upon it four years, immediately preceding the first day of April last, at a rent of Ninety Dollars per annum, payable to the agent of Mrs. Elizabeth M. Ebert.

Joseph P. Fleming - a witness of lawful age, produced on the part of the Complainants, being sworn & examined to the Interrogatory last aforesaid deposes & says - That he knows the property, and is now, and has been - Tenant of said property, since the first day of April last, having rented it from Green Bank, the agent of Mrs. Elizabeth M. Ebert, at \$90-