and herewith returned deposes and says.—
To the 1st Interrogatory, That he is acquainted with all the parties to this suit, except the children of John W. Bartgis decd. that they are all adults, except the children of D.C. Bartgis, who are all infants under the age of twenty one years,— that all the parties reside in Frederick County, except the children of John W. Bartgis, who reside in Baltimore City Maryland and are infants under the age of twenty one years.—
To the 2d Interrogatory, That Mathias E. Bartgis is dead, that he died some years ago— that his widow has died since said Mathias E. and has been dead for some years and cannot recollect the exact time of the decease of Mathias E. Bartgis or of his wife,—
To the 3d Interrogatory, That Mathias E. Bartgis left the following children, namely James Bartgis, Hiram Bartgis, John W. Bartgis, since deceased, George Bartgis, Dewit C. Bartgis, since deceased, Mary E. intermarried with William Rogers, deceased, Margaret intermarried with Dennis Scholl, another daughter who died unmarried since the decease of said Mathias E. Bartgis whose name deponent does not recollect, and who left no children and William Bartgis who died since the decease of said Mathias, leaving neither widow nor children; all the living children reside in Frederick County, in the State of Maryland,—
To the 4th Interrogatory, waived as to this deponent.—
To the 5th Interrogatory, That Dewitt C. Bartgis ~~died some~~ years since leaving two children named John and Mathias Bartgis, both are infants under the age of twenty one years and both reside in Frederick City.
To the 6th Interrogatory, That he knows the real Estate of which Mathias E. Bartgis died seized and possessed— that it is the same as that described in Exhibit "A"
To the 7th Interrogatory, That said real Estate is not susceptible of advantageous division, that it is composed of one lot and contains a small house and would not be susceptible of a division into seven or eight parts,—
To the 8th Interrogatory, That it would be greatly to the advantage of all the parties interested that the said real Estate should be sold and the proceeds divided among the parties entitled,

There being no other witnesses present to be Examined and the Complainants desiring further time for the production of his Evidences, the Commissioner adjourned the said Commission to the 2d day of June 1863, at which time and at my office in Frederick, Maryland I proceeded to take the following depositions, to wit—

Charles F. Smith, a witness of lawful age, produced on the part of the Complainants, being duly Sworn and Examined to interrogatories filed with the Commissioner by the Complainants and herewith returned, deposes and says.—
To the 1st Interrogatory Waived as to this deponent. To the 2d Int. Waived as to this deponent.— To the 3d Int. Waived as to this deponent.— To the 4th Int. That he was acquainted with John W. Bartgis— that he is dead— that he died several years ago, leaving three children, one named John and two others whose names deponent does not now recollect— that they are all infants under the age of twenty one years and all reside on Gay Street near Exeter Street, in the City of Baltimore Maryland, that he left a widow named Catharine who also resides in the City of Baltimore Md. deponent is a cousin of the widow of John W. Bartgis.—
To the 5th Int. Waived as to this deponent— To the 6th Int. Waived as to this deponent.
To the 7th Int. Waived as to this deponent— To the 8th Int. Waived as to this deponent—