

- the parties interested, - that it would be to the advantage of all the parties interested that the same should be sold and the proceeds thereof distributed amongst the parties entitled thereto. - that the tract contains only from twenty to twenty four acres of land, that under a division the parcels would be too small and would be too far distant from the parties to be useful. - There being no other witnesses present to be examined and the Complainant desiring further time for the production of his evidence, the Commissioner adjourned the said Commission to the fourth day of October, Eighteen hundred and sixty four, at which time and at my Office aforesaid I proceeded to take the following depositions, to-wit:-
 George W. Dudderar, a witness of lawful age, produced on the part of the Complainant being duly sworn and examined to interrogatories filed with the Commissioner and herewith returned deposes and says, -

To the 1st That he is acquainted with all the parties to this suit ever since they were born, -

To the 2^d That he was acquainted with Margaret Dudderar, that she is dead - that she died in February Eighteen hundred and sixty three, -

To the 3^d - That he knows the lands described in Exhibit No 1 now shown him - that they are the lands of which Margaret Dudderar died seized, -

To the 4th That said Margaret died intestate, as to her real Estate - that said real Estate descended to John F. Dudderar, Dennis W. Dudderar, Sarah, married to Jeremiah Shuey, Susan -
 -nah, married to Jesse J. Cary, Ellen R. married to Upton Runkles, Hannah W. married to Benjamin W. Auchingham and David W. Dudderar children of said intestate, Sarah E. James only child and heir of intestate's deceased daughter Margaret and Margaret M. James, only child and heir of intestate's deceased daughter Elizabeth, all adults above the age of twenty one year, except Sarah E. and Margaret M. James, who are infants under twenty one years of age and all reside in the State of Maryland, except Upton Runkles who is in the United States Army in the State of Virginia, -

To the 5th That said real Estate cannot be advantageously divided - but that a sale of the same and a distribution of the proceeds of such sale among the parties entitled thereto would be advantageous that the amount of land is too small for division that it is woodlands, -

At the same time Complainant filed with the Commissioner as evidenced Exhibit No 1, herewith returned by Commissioner, - there being no other witnesses present to be examined and the Complainant desiring no further time for the production of his evidence the Commissioner closed the said Commission and herewith returns the same under his hand & seal, on this fourth day of October Eighteen hundred and sixty four, -

Wm. P. Nelson Comr.

Endorsed - The execution of the within Commission will appear by certain schedules thereto annexed, -

Wm. P. Nelson Comr.

David W. Dudderar
 John F. Dudderar & others
 No 3161. -
 In the Circuit Court for Frederick County sitting as a Court of Equity, -
 October Term 1864. -
 This case having been submitted to the Court upon the bill answers, exhibits, testimony and other proceedings, which were duly read and considered, and the order of publication, heretofore passed in this cause, having been duly published and Upton Runkles the absent defendant therein named having failed to appear and answer the bill of Complaint, and Jeremiah Shuey and Sarah Shuey his wife having been duly

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