

now living named Lydia A. who resides in Frederick County Maryland. To the 2<sup>th</sup>. That he is acquainted with the real Estate of which Henry Hartcock died seized and possessed, that he looks at Exhibit No 1, now shown him and that the real estate therein described is the same of which the said Henry Hartcock died, seized and possessed, that said real Estate is worth about twelve hundred dollars.

To the 5<sup>th</sup>. That the said real Estate is not susceptible of an advantageous division amongst the parties in interest, but that it will be to the advantage of all parties concerned that the same shall be sold and the proceeds thereof distributed amongst the parties entitled thereto, for the reason that the tract is small and unimproved and the parcels would be too small for cultivation or advantageous sale and because the quality of the tract varies so much in the quality of the soil as to render an equal division impracticable.

There being no other witnesses present to be examined and further time being required by the Complainants for the protection of their evidences, the said Commission was adjourned to the 28<sup>th</sup> day of February, Eighteen hundred and sixty five, at which time and at my Office aforesaid, I proceeded to take the following depositions, to-wit: Joseph W. Hartcock 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 1<sup>st</sup>. That he knows all the parties to this suit and has known them many years.

To the 2<sup>d</sup>. That he knew Henry Hartcock, formerly a resident of Frederick County Maryland, that he is dead, that he died in Frederick County aforesaid in November Eighteen hundred and sixty four, leaving the following children, namely, Lavine C. married to John P. S. Sellenman, Lavine married to Augustus Barnes, Sarah V. Mary A. and Anne W. Hartcock, all adults, except Mary A. and Anne W. Hartcock, who are infants, and all reside in Frederick County aforesaid except Lavine C. Sellenman who resides in Carroll County, Maryland.

To the 3<sup>d</sup>. That the said Henry Hartcock left a widow, who is now living, named Lydia A. who resides in Frederick County Maryland.

To the 4<sup>th</sup>. That he knows the real Estate of which the said Henry Hartcock died seized and possessed, that it is the same as is described in Exhibit No 1, now shown him, that said real Estate is worth about twelve hundred dollars.

To the 5<sup>th</sup>. That said real Estate is not susceptible of an advantageous division among the parties interested and that it would be for the benefit and advantage of all parties concerned that the same should be sold and the proceeds thereof distributed amongst the parties thereto entitled, that the tract of land is very small and varies very much in quality, and if divided could not be sold or cultivated to any advantage.

There being no other witnesses present to be examined, and the Complainants requiring no further time for the production of their evidences, the Commissioner closed the said Commission and herewith returns the same under his hand and seal, on the first day of March in the year Eighteen hundred and sixty five.

J. P. Nelson Comr.

Endorsed: The Execution of the within Commission will appear by certain schedules thereto annexed.

J. P. Nelson Comr.

John P. S. Sellenman  
or  
Lydia A. Hartcock Exec

No 3200 Equity  
In the Circuit Court for Frederick County sitting as a Court of Equity.  
February Term 1865.  
Lydia A. Hartcock, one of the defendants in the above case,

Interlocutory Decree

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