

the place aforesaid I proceeded to take the following depositions to-wit: But there being no witnesses present to be examined and further time being required by the petitioner for the production of his evidence, the Commission further adjourned the said Commission to the 29th day of February eighteen hundred and sixty four, at which time and at the place aforesaid I then and there proceeded to take the following depositions to-wit:

Samuel S. Preston, a witness of lawful age produced on the part of the petitioner being duly sworn and examined to interrogatories filed with the Commission by the petitioner and herewith returned deposes and says:

To the first dit. That he is acquainted with the parties to this suit and has known them for two or three years. To the second dit. That he looks at the papers now shown him and marked "Exhibit No 1" and "Exhibit No 2" that the real estate described in said exhibits was seized and possessed by James W. Hamilton. To the third dit. That he was acquainted with James W. Hamilton, formerly of Frederick County, Maryland that he is dead - that he died on the 24th day of October 1863 in Frederick County, Maryland. To the fourth. That James W. Hamilton was married at the time of his death to Susan Hamilton is his widow and that she said Susan resides in Frederick County Maryland. To the fifth dit. That said James W. Hamilton left four children named Eli S. Julia W. Georgianna and Lida Ann Hamilton all infants under the age of twenty one years - that Eli S. resides in Baltimore City and the others reside in Frederick County Maryland. To the sixth dit. That he thinks the real estate described in Exhibits No 1 and 2 is worth about twenty five hundred dollars - it consists of three lots of ground in Berlin Frederick County Maryland, containing in the aggregate about three fourths of an acre, one lot is improved by a Warehouse and Store house, the second by a dwelling house and the other is unimproved. To the seventh. That a sale of said real estate would be beneficial to the infant children - that the said real estate is daily depreciating in value for want of repairs and proper attention - one lot is unimproved and has no fencing around it and is spending no income - that a proper investment of the proceeds of a sale would yield much more income to the infant children than the property can under any circumstances.

William Graham, a witness of lawful age produced on the part of the petitioner being duly sworn and examined to interrogatories filed with the Commission by the petitioner and herewith returned, deposes and says:

To the first dit. That he has been acquainted with all of the parties to this suit for about five years. To the second dit. That he looks at Exhibits No 1 and 2, now shown to him and that the property described therein was seized and possessed by James W. Hamilton.

To the third dit. That he was acquainted with James W. Hamilton formerly of Frederick County Maryland - that he died in Frederick County aforesaid in September or October 1863.

To the fourth dit. That said James W. Hamilton was married at the time of his death - that Susan Hamilton is his widow and resides in Berlin, Frederick County Maryland.

To the fifth dit. That said James W. Hamilton left four children namely, Eli Jacob, Julia Maria Lida Ann and Georgianna Hamilton, who are all infants under the age of twenty one years and all reside in Frederick County except Eli Jacob Hamilton, who resides in Baltimore City Maryland. To the sixth dit. That the three lots described in Exhibits No 1 and 2, contain about three fourths of an acre of land and are worth altogether about twenty five hundred dollars, that one lot is unimproved one is improved by a dwelling house and the other by a warehouse and storehouse.

To the seventh dit. That it would be advantageous to the infant children that his real estate be sold - that the property will go down if rented out and will not be kept in repair - that property at this time brings a high price - that an investment of the money arising from a sale will give more income to the infant children than can be received by renting out the property and keeping it in proper repair - that the vacant lot will bring from \$500 to \$800 - that there have been a good many applications for the purchase of the vacant lot - that

Exhibit No 3

Deceit