and Margaret Hays are infants under twenty one years of age and the others adults. To the 2d That Mary Gover is dead; that she died during last October leaving the following children, namely; George W. John P. Joseph, Henry, Ann R married to Hezekiah Poffenberger Elias Gover, Susan M, married to Eza Smith, and Peter Gover, all adults and all reside in Frederick County Maryland.

To the 3d That Catharine Hays died about fifteen or sixteen years, leaving the following children, namely, Susan, married to William Palmer, James Gover, Margaret Hays and Josiah Hays all adults, except Josiah and Margaret Hays who are infants under twenty one years of age, that James Gover and Margaret Hays reside in Pennsylvania and the others in Frederick Co. Md.

To the 4th That Mary Ann Gover died about nine years ago and without issue and that the children of Mary Gover were her brothers and sisters. To the 5th That he knows the lands described in the proceedings in this cause, that it is the same as is described in Exhibit A. now shown defendant. To the 6th, That said land cannot be divided amongst the parties interested without loss and injury, for the reasons that there are only about forty acres of land which would have to be divided into many portions and the portions would be too small to cultivate to any advantage and if sold would not bring proportionally as much money as the whole tract sold entire. To the 7th. That a sale of said lands would be for the benefit and advantage of all parties concerned, for the reasons assigned in answer to the foregoing interrogatory.

Nelson Ramsburg, a witness of lawful age, produced on the part of the Complainants being duly examined and sworn to interrogatories filed with the Commissioner by the Complainant and herewith returned deposes and says.

To the first That he knows all of the parties to this suit that they all reside in Frederick County, Maryland, except Margaret Hays and James Gover, who reside in the State of Pennsylvania and that they are all adults except Josiah and Margaret Hays, who are infants under the age of twenty one years. To the 2nd That Mary Gover is dead; that she died during the month of October in the year eighteen hundred and sixty five, leaving the following children, namely, Ann R married to Hezekiah Poffenberger, John P. George W Henry, Joseph, Elias Susan M married to Eza Smith and Peter Gover, all adults and all residing in Frederick County To the 3d That Catharine Hays died about sixteen years ago, leaving the following children, namely; Susan, married to William Palmer, James Gover, Josiah Hays & Margaret Hays, that they are all adults, except Josiah and Margaret Hays who are infants under the age of twenty one years and that James Gover and Margaret Hays reside in the State of Pennsylvania and the others in the State of Maryland in Frederick County, aforesaid. To the 4th That Mary Ann Gover died about nine years ago, without children and that the children of Mary Gover were her brothers and sisters. To the 5th That he knows the lands mentioned in this cause, that he looks at Exhibit A. now here shown him and that the said land is the same as is described in the said Exhibit. To the 6th That said land cannot be divided without loss and injury to the parties interested; that the tract is a small one, containing not more than forty acres of land and that under a division there will be seven or eight portions and that some of said portions will be required to be subdivided into several portions; the portions would be too small to admit of advantageous farming or cultivation, that the portions would be without sufficient water and if attempted to be disposed of by sale, would bring much less than their real value and less in proportion than the tract would sell for if sold entire. To the 7th That it would be to the benefit and advantage of all parties concerned that said real estate should be sold and the proceeds distributed among the parties interested and entitled for the reasons given in the foregoing interrogatory.

There being no other witnesses present to be examined and the Complainants requiring no further time for the production of their evidence the Commissioner closed the said

Decree

Trustees Report