by said deceased ~ State whether or not the personal estate is insolvent. ~

5th ~ Look at the deed here shown you marked Exhibit No 3. ~ do you or not know the real Estate specified in said deed ~ if yes, state whether or not, Benjn Moffett died, seized of said real estate. ~

Grayson Richelberger
Solr for Complainants

Exhibit B.M. No. 1

Testimony

At the execution of the annexed Commission issued out of the Circuit Court for Frederick County and to me directed and empowering me to examine witnesses in the cause depending in the said Court between Benjamin Moffett & and Drusilla S. Moffett, as Complainants, and Benjamin S Snouffer and others as defendants, I William B. Nelson Commissioner therein named did, on the 28th day of December Eighteen hundred and sixty five, at my office in Frederick City, Maryland, then and there proceed to take the following depositions, viz ~ Benjamin S. Snouffer, a witness of lawful age produced on the part of the Complainants, being duly sworn and examined to interrogatories filed with the commissioner and herewith returned, deposes and says. ~

To the first Int ~ That he is acquainted with all of the parties to this suit and has known them for many years. ~ To the second Int ~ That he was acquainted with Benjamin Moffett Sr; that he is dead, that he died in September last leaving children, as follows namely Ellen E. wife of deponent, and Benjamin Moffett & and grand children, namely John B. Snouffer, Malinda Snouffer and Virginia Snouffer children of Malinda Snouffer dec^d daughter of Benjamin Moffett Sr dec^d, that the said grand children John B. Malinda and Virginia Snouffer are infants under twenty one years of age and that Ellen E. Snouffer, wife of Benjamin S. Snouffer and Benjamin Moffett Jr. are adults and that they all reside in Frederick Co. Md. ~

Decree

To the third Int ~ That he looks at Exhibit No 1, has seen Benjamin Moffett Sr write and knows his handwriting, that the signature "Benjn Moffett" thereto attached is in the proper handwriting of Benjamin Moffett Sr. ~ To the fourth Int ~ Learned as to this deponent. ~

To the 5th Int ~ That he looks at Exhibit No 3 now shown him, that he knows the real estate therein described and that it is the same of which said Benjamin Moffett Sr died, seized & possessed. ~

Benjamin Moffett Jr a witness of lawful age produced upon 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 first Int ~ That he knows all the parties to this suit and has known them some years. ~

To the second Int ~ That he was acquainted with Benjamin Moffett Sr that he died in Frederick County Maryland, intestate during last September; that he left two children, namely Ellen E wife of Benjamin S Snouffer and deponent, both adults, and the following grand children, namely John B Snouffer, Malinda Snouffer and Virginia Snouffer, infants under the age of twenty one years and children of Malinda Snouffer, daughter of Benjamin Moffett Sr dec^d and that they all reside in Frederick County Md. ~

To the third Int ~ That he has seen Benjamin Moffett Sr write and knows his handwriting and that the signature "Benjn Moffett" attached to "Exhibit No 1" now shown him is in the proper handwriting of said Benjamin Moffett Sr. ~ To the fourth Int ~ That he is the administrator of the estate of Benjamin Moffett Sr dec^d that the personal estate is insufficient to pay the debts, that the personal estate is insolvent. ~ To the fifth Int ~ That he is acquainted with real estate of which the said Benjamin Moffett Sr died seized & possessed and that it is the same as is described in "Exhibit No 3" now shown to this deponent. ~

At the same time Complainants filed with the Commissioner as evidence Exhibits No 1, 2, 3 and 4 and B.M. Jr. No 1, which are herewith filed and returned by the Commissioner and there being no other witnesses present to be examined and the Complainants requiring no further time for the production of evidences, the Commissioner closed the said Commission and herewith returns the same under his hand and seal on the twenty Eighth day of December