

William B Nelson Commissioner therein named, did on the Twenty sixth day of October, Eighteen hundred and sixty six, at my office in Frederick City, Maryland, proceed then and there to take the following testimony, to wit: The Complainants filed with the Commissioner as evidence, Exhibits Nos 1, 2, 3 and 4 which are herewith returned by the Commissioner and there being no witnesses present to be examined, the Commissioner adjourned the said Commission to the second day of November, Eighteen hundred and sixty six, at which time and at my office aforesaid I proceeded to take the following depositions. Lawson Schroyer 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 1st Int That he is acquainted with all of the parties to this suit, and that he has known them all for some years To the 2nd Int That he was acquainted with John Schroyer formerly of Frederick County, Maryland; that he is dead; that he died in Frederick County aforesaid on the Twenty second day of March Eighteen hundred and sixty six To the 3rd Int That said John Schroyer left no widow. To the 4th Int That said John Schroyer died intestate, leaving the following children and heirs at law, namely, Caroline, Mary Ann Hoffmann since deceased and leaving the following children, viz James W. Daniel, Ellen and Caroline Hoffmann; Daniel, Lawson, Sarah Ann, married to Frederick Eckart, Lewis W, Elizabeth married to Ephraim Moser, and Catharine Schroyer, all adults and residing in Frederick County, Maryland, except James W, Daniel, Ellen and Caroline Hoffmann, who are infants under the age of Twenty one years, and who reside in the State of Illinois. To the 5th Int That he knows the lands of which the said John Schroyer died seized and possessed; that he looks at the Bill of Complaint and Exhibits Nos 1, 2, 3, now here shown him; that said John Schroyer died seized of the Lands described in said Bill of Complaint, a portion of which is described in Exhibits Nos 1, 2 & 3; that he bought said lands from Joseph Wastler and wife, Jacob Fantanus wife and Joseph and John Poffenberger; that the lands described in Exhibit No 3 were bought at Public Sale from said Joseph & wife Poffenberger; that seventy five dollars was paid on said purchase, as will appear by the receipts filed, and that the sum of Fifty dollars is still due upon said purchase To the 6th Int That said lands comprise about one hundred and forty acres and is worth about two thousand dollars. To the 7th Int That said lands will not admit of advantageous division, but it will be for the benefit and advantage of all parties, adults and infants, that said lands should be sold and the proceeds thereof distributed amongst the parties entitled according to their respective interests That if divided there would be eight parcels or portions, and one of these portions would have to be subdivided into four portions, which would render them too small for advantageous cultivation or sale, that only forty acres are tillable and the land poor in some portions of it. William Metzger 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 1st Int That he knows the parties to this suit, and has known them for some years. To the 2nd Int That he was acquainted with John Schroyer formerly of Frederick County Maryland; that he is dead; that he died at Frederick County aforesaid, during last March. To the 3rd Int That said John Schroyer left no widow. To the 4th Int That said John Schroyer died intestate and left the following children and heirs at Law, namely Mary Ann Hoffmann, deceased, who left four children, namely, James W. Daniel, Ellen & Caroline Hoffmann; Caroline, Daniel, Lawson, Sarah A, married to Frederick Eckart, Lewis W, Elizabeth, married to Ephraim L Moser and Catharine Schroyer, all adults living in Frederick County aforesaid, except James W Daniel, Ellen and Caroline Hoffmann who are infants under twenty one years of age and reside in the State of Illinois To the 5th Int That he knows the lands of which the said