

the said decedent (children of said Michael Jacobs have any children and heirs at law, if yes, state their names, ages, sexes and place of residence. ~ Fifth dt. ~ Have or have not any of the daughters of said Michael Jacobs intermarried, if yes, to whom. ~ Sixth dt. ~ Did or did not said Michael Jacobs die seized and possessed of any real estate, if yes, where does it lay, and what is it worth, look at Exhibit No. 1 filed in this case, and state whether or not the real estate you speak of, is described in said Exhibit. ~ Seventh dt. ~ Would or would it not be for the benefit, advantage & interest of both the Complainants and defendants in this case to see the said real estate and divide the proceeds of sale amongst the said heirs in proportion to their respective interests, give the reasons for your opinion. ~ Eighth dt. ~ Is or is not the said real estate susceptible of advantageous partition amongst the said decedent and heirs of said Michael Jacobs dec? ~ Give the reasons for your opinion. ~ Ninth dt. ~ Do you know any thing further that would be of advantage to either of the parties to this suit. ~

J. Davis J. for Compts

Testimony

At the Execution of the annexed Commission issued out of the Circuit Court for Frederick County & to me directed & empowering me to examine witnesses in the case therein depending between Edward L. Jacobs and others as Complainants, and Oscar Jacobs & others as defendants, I William J. Nelson, Commissioner therein named, did on the 15 day of June Eighteen hundred & sixty five, at my Office in Frederick City MD, proceed to take the following testimony, to-wit: ~ The Complainants filed with the Commissioner as evidence Exhibit No. 1, herewith returned and there being no witnesses present to be examined & further time being required for the production of evidences, the Commissioner adjourned the said Commission to the twenty second day of June Eighteen hundred and sixty five, at which time there being no interrogatories filed upon the part of the Complainants & further time being required for the production of evidences the said Commission was further adjourned to twenty ninth day of June Eighteen hundred & sixty five at which time and place as aforesaid, there being no witnesses present to be examined & further time being required for the production of evidences, the said Commission was further adjourned to the sixth day of July Eighteen hundred and sixty five, at which time and at the place aforesaid I then and there proceeded to take the following depositions to-wit: ~ Frederick White, a witness of lawful age, produced on the part of the Complainants, being duly sworn & examined to interrogatories filed with the Commissioner by the Complainants and herewith returned, deposes and says. ~

I the First dt. ~ That he knows all of the Complainants, except Robert A. Barnett and Lewis W. Stein, but does not know any of the defendants. ~ I the second ~ That he was acquainted with Michael Jacobs formerly a resident of Frederick County, MD, that he is dead, that he died intestate in Frederick County aforesaid about three years ago. ~ I the third ~ That the said Michael Jacobs left children but does not know their number, names or ages. ~ I the 4th ~ That he cannot answer this interrogatory, knows that said Michael had two sons John & Joseph who died about seven or eight years ago ~ that John left children, does not know how many or their names or ages. ~ I the Fifth ~ That he knows that Ann Marie married Marcellus Brown, further he knows not. ~ I the sixth ~ That the said Michael Jacobs did die & possessed of real estate in Frederick County Maryland, about one fourth of a mile from Mechanstown, that said real estate is worth about twelve hundred dollars ~ that it is the same as is described in Exhibit No. 1 now shown to defendants. ~ I the seventh, ~ That it would be to the benefit & advantage of all parties concerned to see said land, and divide the proceeds amongst the parties entitled thereto ~ that the said real estate is out of repair and does not yield sufficient to pay for proper repairs of fencing &c. ~ I the 8th. ~ That said real estate is not susceptible of an advantageous division amongst the parties entitled and cannot be divided without loss and injury to all of the parties ~ that the improvements are all upon one part of the farm, and the farm is a small one only consisting of about 60 or 70 acres and that by a division the parcels would be too small for advantageous sale or cultivation. ~ I the ninth ~ That he knows nothing further. ~ There being no other witnesses present to be examined and further time being required for the production of evidences, the Commissioner further adjourned

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