

the said Commission to the tenth day of July Eighteen hundred and sixty five, at which time & at my office aforesaid, I then and there proceeded to take the following depositions, to-wit:-  
 Edward L. Jacobs, a witness of lawful age produced on the part of the Complainants, being duly sworn and examined to interrogatories filed with the Commission by the Complainants & herewith returned deposes and says: - To the 1st - That he is well acquainted with all of the Complainants and defendants to this suit, - To the 2d - That he was acquainted with Michael Jacobs, formerly a resident of Frederick County, Md, that he is dead, that he died at Frederick County aforesaid about three years since and that he died intestate, - To the 3d - That said Michael Jacobs left the following children, namely, William, Theodore, Edward L. Ann Maria, Martha A Elizabeth, Rhodanus, Virginia, and Theodorid Jacobs, all adults, except Rhodanus, Virginia and Theodorid who are infants under the age of twenty one years and who all reside in Frederick County Maryland, except Martha A. and Ann Maria, who reside in Washington City D.C. and Elizabeth, who resides in St Louis, Missouri, - To the 4th - That Joseph Michael Jacobs died in Frederick County aforesaid, about ten years ago - that John A. Jacobs died about seven years ago in said Frederick County, that Mary Ann died in Ohio, about eighteen years ago, that Martha Jacobs died in Frederick County aforesaid many years since and that Mark and Michael Jacobs died in Frederick County, during the year eighteen hundred and twenty eight, that Joseph M. Jacobs left the following children, namely, Samuel S. Marcellus and Oliver Jacobs, all infants under the age of twenty one years and all reside in Frederick County Maryland, that Mary Ann Jacobs married to Francis A. Blair left Lewis M. Blair, an adult who resides in the state of Ohio, - To the 5th - That Mary Ann Jacobs, daughter of Michael Jacobs married Francis A. Blair, Elizabeth Jacobs, married Robert J. Barnett and Ann Maria Jacobs, married Marcellus Conner, - To the 6th - That the said Michael Jacobs died seized & possessed of real estate situated in Frederick County aforesaid about one fourth of a mile from Mechanicstown, that the said real estate is worth about eighteen hundred dollars (at least Michael Jacobs was offered that amount for it before his decease), that he looks at Exhibit No. 1, now shown to him and says that the property described in said Exhibit is the same of which the said Michael Jacobs died seized and possessed, - To the 7th, That it would be for the benefit and advantage of all parties concerned that the said real estate should be sold & the proceeds thereof distributed amongst the parties entitled according to their respective proportions, that the property consists of only sixty or seventy acres of land, that it is too small to be divided amongst so many heirs - that said real estate is depreciating daily and will not yield sufficient to keep it in proper repair - and the parcels or portions under a division would be too small to cultivate or to sell to any advantage & the improvements are all on one end of the farm, - To the 9th That he knows nothing further.

There being no other witnesses present to be examined and no further time being required for the production of evidence, the Commission closed the said Commission and herewith returns the same under his hand and seal, on this tenth day of July Eighteen hundred and sixty five.

Wm. S. Nelson Comr.

Ordered The Execution of the within Commission will appear by certain schedules herewith annexed.

Wm. S. Nelson Comr.

Edward L. Jacobs Esq

Osca Jacobs Esq

No 3212 Equity.

In the Circuit Court for Frederick County sitting as a Court of Equity.

The above case standing ready for hearing and being submitted the bill, answers and all the other proceedings were by the Court, read and considered, - It is therefore this 14th day of September in the year eighteen hundred and sixty five by the Circuit Court for Frederick County, sitting as a Court of Equity adjudged, ordered & decreed, that the law, in the proceedings in this cause mentioned be sold, and that Joseph Davis, he and he is hereby appointed Trustee to make said sale, and that the course and manner of his proceedings shall be as follows; He shall first file with the Clerk of this Court, a bond to the State of Maryland, executed by himself, and a

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