

1<sup>st</sup> Do you know the parties to this suit if you, which of them and how long have you known them,  
 2<sup>d</sup> State if you know which of them are adults and which infants under the age of twenty one years,  
 3<sup>d</sup> Did you know Jacob Piche mentioned in the proceedings ~ if you, state how long you know him, if he is dead or living, and if he died without a will, ~  
 4<sup>th</sup> Do you know the real estate described in these proceedings? if you state as far as you can the value and quantity of the same, ~ 5<sup>th</sup> Would it or not be to the benefit and advantage of the infants in this case that the said real estate should be sold and the proceeds distributed, if you are of opinion that it would be to the benefit and advantage of said infants state the facts and circumstances which show that it would be for their benefit and advantage. ~  
 6<sup>th</sup> State any thing else you may know that would be of interest to the parties to this suit. ~

Geo. S. Nelson Secy for Compt

Declaratory

At the Execution of the aforesaid Commission issued out of the Circuit Court for Frederick County & to me directed & empowering me to examine evidences in the cause depending in the said Court between John Cover of T. Prochein and, as Complainant, & Jacob Cover and as defendants, I Geo. S. Nelson Commissioner therein named did on the 13<sup>th</sup> day of December Eighteen Hundred & sixty four, at my Office in Frederick City Maryland, proceed to take the following testimony ~

The Complainant filed with the Commissioner as evidence Exhibits A, B & C, which as they were returned by said Commissioner. ~ There being no witnesses present to be examined & further time being required by the Complainant for the production of his evidences the Commissioner adjourned the said Commission to the 20<sup>th</sup> day of December Eighteen Hundred and sixty four, at which time & place there being no witnesses present to be examined & further time being required by the Complainant for the production of his evidences the said Commission was further adjourned to the 30<sup>th</sup> day of December Eighteen Hundred and sixty four, at which time & at the place aforesaid I then & there proceeded to take the following depositions to wit ~

David Waugh, a witness of lawful age, produced on the part of the Complainant, being duly sworn & examined to interrogatories filed with the Commissioner by the Complainant and therewith returned, deposes and says, ~

To the 1<sup>st</sup> That he knows all the parties to this suit & has known them for some years. ~

To the 2<sup>d</sup> That the Complainant is an adult & the defendants are infants under the age of twenty one years, ~ To the 3<sup>d</sup> That he knows Jacob Piche mentioned in the proceedings in this case ~ knew him for about twenty five years ~ that he is dead that he died intestate. ~

To the 4<sup>th</sup>, That he knows the real Estate described in these proceedings - that the said real estate is worth about seven thousand dollars - that it consists of about one hundred and sixty acres of land, ~ To the 5<sup>th</sup> That it would be to the advantage and benefit to the infants in this case that the said real estate should be sold and the proceeds distributed amongst them for the reasons that the land would have to be divided into eight parcels, which would render the land unfit for advantageous cultivation or sale, ~ To the 6<sup>th</sup> That he knows nothing further  
 George W. Phillips, a witness of lawful age, produced on the part of the Complainant being duly sworn & examined to interrogatories filed with the Commissioner by the Complainant and therewith returned deposes and says. ~

To the 1<sup>st</sup> That he knows the Complainant and has known him for many years, but is not acquainted with the defendants or any or either of them. ~ To the 2<sup>d</sup> That Complainant was an adult, knows nothing of the ages of defendants, ~ To the 3<sup>d</sup> That he knew Jacob Piche mentioned in the proceedings in this case for about twelve years ~ that he is dead ~ does not know if he died testate or intestate. ~ To the 4<sup>th</sup> That he knows the real estate described in the proceedings in this case ~ does not know the quantity thereof but thinks the land worth forty five dollars per acre, ~

To the 5<sup>th</sup>. That a sale of said real estate would be to the benefit & advantage of all parties interested & that the proceeds of said sale should be distributed amongst the parties entitled thereto that the said real estate could not be advantageously divided among the heirs at law as the parcels would be so small that they could not be advantageously farmed, or rented out or ~