to be examined the said Commission was adjourned to the 19th day of May Eighteen Hundred and sixty six at which time & at the place aforesaid I proceeded to take the following depositions.
Cornelius Staley, 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 all the parties to this suit, that he has known them for many years and that they all reside in Frederick County Maryland. ~
To the 2d Int. That he knew Ezra Hildebrand mentioned in the proceedings in this case; that he knew him for forty years, that he died in Frederick County Md, in the month of January 1863. ~
To the 3d Int. That said Ezra left a widow named Anna Mary, who died in the month of April 1866 ~
To the 4 Int. That said Ezra left the following children, namely, Frederick, Joseph D. John S. George H. Samuel P. and Mary L. Hildebrand, all adults, except George H. Samuel P. and Mary L. Hildebrand who are infants under the age of twenty one years & all reside in Frederick County Maryland. ~ To the 5th Int. That said Ezra died, seized of real estate, situate about four miles from Frederick City; that said real estate consists of a farm of seventy six acres. ~
To the 6th Int. That the lands described in the proceedings & Exhibits in this case are the same of which the said Ezra Hildebrand died seized and possessed. ~ To the 7th Int. That said lands are not susceptible of an advantageous division among the parties in interest, but that it will be for the benefit & advantage of all parties concerned that the same shall be sold and the proceeds distributed amongst the parties entitled thereto for the reason that the land will have to be divided into six parcels or portions & that such parcels will be too small for advantageous cultivation or sale; that the timber (the most valuable portion) is at one end of the farm and that such portion would be worth two of the remaining land. ~ To the 8th Int. That he knows nothing further.
William Main, a witness of lawful age, produced on the part of the Complainants, being duly sworn & examined to interrogatories filed with the Commissioner and herewith returned deposes and says. ~ To the 1st Int. That he knows all the parties to this suit & has known them all for many years, and that they all reside in Frederick County Maryland. ~ To the 2d Int. That he knew Ezra Hildebrand mentioned in the proceedings in this cause & that he died in Frederick County Maryland in Eighteen hundred and sixty three. ~ To the 3d Int. That said Ezra had a wife named Anna Mary, who died in April A D 1866. ~ To the 4th Int. That the said Ezra left the following children who all reside in Frederick County aforesaid, namely, Frederick, Joseph D. John S. George H. Samuel P and Mary L. Hildebrand, that the Complainants are all adults and the defendants all infants under the age of twenty one years. ~ To the 5th That the said Ezra died seized of real estate situated in Frederick District, Frederick Co. Md. containing 76 acres of land. To the 6th Int. That the lands described in the Exhibits & proceedings in this cause are the lands of which the said Ezra died seized & possessed. ~ To the 7th Int. That said real estate is not susceptible of an advantageous division among the parties interested that it would be to the advantage and for the benefit of all the parties that said real Estate should be sold & the proceeds thereof be divided among the parties entitled, for the reason that if divided, the parcels would be very small & could not be sold or cultivated with advantage, that the land will not yield a support for the parties &c. ~ To the 8th Int. That he knows nothing further. ~ There being no other witnesses present to be Examined & the complainants requiring no further time for the production of their Evidences, the Commissioner closed the said Commission and herewith returns the same under his hand and seal this 21st day of May Anno Domini 1866. ~ Wm B. Nelson Com. (SEAL)

Endorsed ~ The Execution of the within Commission will appear by certain Schedules thereto annexed. ~ Wm B. Nelson Com. (SEAL)

Recommitted for a Trustee

Hildebrand Etal
vs
Hildebrand Etal

No. 3302 Equity. ~

To the Hon. Madison Nelson Judge of the Circuit Court for Frederick County sitting as a Court of Equity. ~