years of age and who are under twenty one. 2d Is Jacob Grove dead? when did he die, and did he leave any children, if so name them. 3d Which of said children are dead and what children and grandchildren did they leave. 4th Do you know the mountain lot referred to in the Bill in this cause, if so, state whether it can be divided among the heirs at law of said Jacob Grove with advantage to all of them. 5th Would it be for the interest and advantage of all the parties, that said real estate should be sold, and the proceeds of said sale divided among all the parties interested if so, give your reasons therefor. 6th Did John D. Grove in his lifetime sell his interest in said land, to his brothers and sister, if so state all you know about it? and file the receipt of said John D. for the purchase money. 7th Is the land described in Exhibit A, the mountain lot owned by said Jacob Grove at the time of his death.

John A. Lynch
Sol. for Complainants

Testimony

At the execution of the annexed Commission issued out of the Circuit Court for Frederick County and to me directed & empowering me to examine witnesses in the cause therein depending, between Martin Grove & others, as Complainants & Leonard S. Grove & others as defendants, I, William R. Nelson Commissioner therein named, did, on the 24th day of May A.D. 1866, at my Office in Frederick City Md, proceed then & there to take the following testimony:- The Complainants filed with the Commissioner as evidence Exhibits "A & B." which are herewith returned & there being no witnesses present to be examined the said Commission was adjourned to the 29th day of May A.D. 1866, at which time & at the place appointed, I proceeded to take the following depositions to wit:- Samuel L. Grove, 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. To the 1st Int. That he knows all of the parties to this suit, except Josephine Zimmerman John Grove of Wm, Dr John Johnson, Mr. Meyer, Jane Grove, wife of Jefferson Grove, Lavinia Grove, Emery Grove and John Grove of L. that they all reside (whom he knows) in Maryland, except the children of Wm Grove, Jefferson Grove, Meyer & wife & Johnson & wife who reside out of the State of Maryland and all adults except the children of Lewis Grove & William Grove, Mary, Charles L and Mr Flavion Mantz & John E. Mantz, who are infants under the age of twenty one years. To the 2d Int. That Jacob Grove is dead, that he died in the year 1834, leaving children as follows, namely; Mary, John D. Jacob, Leonard, Martin, George, William, Daniel and Samuel L. Grove. To the 3d Int. That John D. Grove is dead; that he knows nothing further in answer to this interrogatory. To the 4th Int. That he knows the mountain lot referred to in the proceedings in this case, that the same cannot be divided advantageously among the parties interested. To the 5th Int. That it would be to the benefit & advantage of all parties concerned that said real estate should be sold and the proceeds thereof be distributed to the parties entitled thereto, for the reasons that said real estate consists of twenty four acres of land which has to be divided among nine heirs & that the several portions would be too small for advantageous use or sale & also because some of the heirs live at a great distance from said land & could not have the commencement of the same in as much as they live beyond Hancock, Washington County Md, that said land is timber land & some of it good & some indifferent timber. To the 6th Int. That said John D. Grove in his lifetime sold his interest in said land to Martin L. Grove (which receipt is herewith filed & returned & marked Exhibit M.L.G.) and that the land described in Exhibit A is the land of which Jacob Grove died seized and possessed. To the 7th Int. That the land described in "Exhibit A" is the mountain lot owned by said Jacob Grove at the time of his death. Samuel Ahalt, 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. To the 1st Int. Waived as to this deponent. To the 2d Int. Waived as to this deponent. To the 3d Int. Waived as to this deponent. To the 4th Int. That he knows the mountain lot referred to in the Bill and Exhibits in this cause, that the same cannot be advantageously divided amongst the parties in interest. To the 5th Int. That a sale of said real estate & a distribution of the proceeds thereof will be to the benefit and advantage of all the parties interested, for the reason that said real Estate consists of only twenty four acres