of timber land, that there are nine heirs and sets of heirs, that some of the heirs live beyond Hancock Washington County, that some portions of the said lot are well timbered and some poorly, that said land has lain so for many years, that the parties could use the money arising from the sale, cannot use the land. To the 6th Int. Waived as to this deponent. To the 7th Int. Waived as to this deponent. Jno. L. Huffer, 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, 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 & Exhibits in this cause; that it cannot be advantageously divided amongst parties entitled; that some portion of it contains good timber & the rest bad timber, & that it could not be divided equally amongst the parties. To the 5th Int. That a sale of said real Estate & a distribution of the proceeds thereof would be to the advantage of all parties interested; that said tract of land is too small to be advantageously divided into nine portions, & even if divided the portions would not be equalized, & some of the heirs live so far away from the land that it would be of no use or convenience to them, & the parcels would be too small for an advantageous sale. To the 6th Int. Waived as to this deponent. To the 7th Int. Waived as to this deponent. Charles Mantz 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, herewith returned, deposes and says. To the 1st Int. That he is acquainted with all of the parties to this suit except John Grove, of Wm., Lawrence, Emery and John Grove of Lewis, that all whom he knows reside in the State of Maryland, except Thomas Jefferson Grove, Dr. Johnson and wife and James Meyer & wife, who are non residents & reside out of the State of Maryland, that they are all adults, except Mary, Charles G. and McPherson Mantz, who are infants under the age of twenty one years. To the 2d Int. That Jacob Grove is dead, that he died many years ago, the following children, namely, John D. Grove, Jacob Grove, George Grove, Martin Grove, Wm. Grove, Lemuel Grove, Samuel Grove, Daniel Grove and Mary House. To the 3d Int. That John D. Grove is dead, and left the following children, namely, Mary A. married to Charles Mantz, Eliza Ann, married to Dr. Lewis Grove (since deceased) William Grove (since deceased) Thomas J. Grove and Virginia, married to Fullerton Grove. — does not know the Grandchildren. To the 4th Int. Waived as to this deponent. To the 5th Int. Waived as to this deponent. To the 6th Int. Waived as to this deponent. To the 7th Int. Waived as to this deponent. There being no other witnesses present to be examined and the Complainants requiring no further time for the production of their evidence, the Commissioner closed the said Commission & herewith returns the same under his hand and seal, this 4th day of June 1866.

W. P. Nelson Comr. (Seal)

Endorsed. The Execution of the within Commission will appear by certain Schedules thereto annexed.

W. P. Nelson Comr. (Seal)

Decree

Martin Grove et al. vs. Lemuel S. Grove et al.

No. 3281 Equity.

In the Circuit Court for Frederick County sitting as a Court of Equity. July Term 1866.

The above cause standing ready for a hearing & being submitted the bill, answer, exhibit, testimony & all other proceedings were by the Court read and considered, & the order of publication heretofore passed in this cause, having been duly published & the said absent defendants having failed to appear & answer the bill of Complaint & Mary M. House, L. S. Grove & wife, Geo. Grove & wife, Daniel Grove & wife, Fullerton Grove & wife, Ann E. Fout, Charles Mantz, Emma Mantz & Josephine Zimmerman having failed to appear & answer the bill of Complaint. It is thereupon this 20th day of July A.D. 1866, by W. Nelson Judge of the Circuit Court for Frederick County as a Court of Equity, adjudged, ordered & decreed that the said bill of Complaint be & the same is hereby taken pro confesso against the said defendants. It is thereupon, this 20th day of July in the year Eighteen hundred & sixty six by the Hon. Madison Nelson, Circuit Judge for

Trustee's Rep. &c