evidence in a cause pending in said Court between John P Smith & Mary Smith as Complainants & John William Smith & others as defendants being No 2814 on the Equity Docket of said Court & Grayson Eichelberger the standing & duly qualified Commissioner did proceed to take the following depositions at my law office in Frederick on tuesday the first day of February 1859 by Doctor Thomas Sim a witness of lawful age produced on the part of the Complainants being duly sworn & examined to interrogatories hereunto returned defines & says In the first Interrogatory I do know all the parties & have known them for some years. To the second Interrogatory I did know John Smith of Wm he died in 1852 or 1853 I look at Exhibits A & B they do embrace the lands of which John Smith of Wm died seized & possessed To the third Interrogatory John Smith of Wm died leaving a widow & children his widow died in 1855 the names of his children are Mary who has intermarried with John P Smith the Complainant John Wm Susan John & Jane Mary & John William are adults the rest are minors & they all reside in Frederick County. To the fourth Interrogatory John Smith of Wm died intestate. To the Fifth Interrogatory the said real estate is not susceptible of advantageous partition among said heirs & should most certainly be for the benefit of all the parties interested infants as well as adults that said land should be sold The tract is too small to admit of division & is fast getting out of order & going to decay & will not yield as well as the money properly invested. To the Sixth Interrogatory I know nothing further. There being no further testimony I closed the said Commission & hereunto return the same closed under my hand & seal this 1st day of February 1859

Grayson Eichelberger (Seal)
Commissioner

John Smith & Mary Smith his wife vs John Wm Smith and others } No 2814 Equity In the Circuit Court for Frederick County in Equity

The above cause standing ready for a hearing and being submitted the Bill answers Exhibits depositions and all other proceedings were by the Court had and considered and it appearing to the Court that the Complainants are entitled to