

and there being no witnesses present to be examined, and further time being required by the Complainants for the production of their evidences, the Commission was adjourned to the 4<sup>th</sup> day of January A.D. 1867; at which time and at the place aforesaid, the Commissioner then and there proceeded to take the following depositions: to wit ~ Lewis M. Hildebrand, 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 1<sup>st</sup> Int: That he is acquainted with all of the parties to this suit and has known them all for many years. ~

To the 2<sup>d</sup> Int: That he was acquainted with Daniel Hildebrand, he was Deponent's father; that he is dead; that he died on Eighteen hundred and forty one, in Frederick's County, about six miles from Frederick City; that he died intestate, leaving a widow, named Juliana and the following children, namely, Joshua H. Dennis, William O. Lewis M., Samuel J. Mary A. M., and Juliana E. Hildebrand; that Joshua H. has since died leaving a widow named Mary, and two children, Howard and Samuel Hildebrand, and that said Joshua H. died intestate; that Dennis died during the harvest of 1866, unmarried and without issue and intestate, and that Juliana died about harvest of 1866, unmarried, without issue and intestate. that they are all adults, except Samuel and Howard, sons of Joshua H. Hildebrand, who are infants under the age of twenty one years. ~

To the 3<sup>d</sup> Int: ~ That he knows the real estate of which the said Daniel Hildebrand died seized and possessed, that he looks at Exhibits Nos. 1. 2. 3. 4. 5 and 6. now here shown him, and that the lands therein described are the same of which the said Daniel died seized and possessed. ~ That said real estate is not susceptible of an advantageous division, and that it would be to the advantage of all parties concerned, infants as well as adults, that said real estate should be sold and the proceeds distributed amongst the parties entitled, according to their respective interests. ~ That if divided the portions would be too small to admit of advantageous cultivation or sale; that the said real estate consists of about one hundred and fourteen acres of land. ~

John Holtz 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 1<sup>st</sup> Int: ~ That he knows the parties to this suit and has known them for many years. ~

To the 2<sup>d</sup> Int: ~ That he was acquainted with Daniel Hildebrand, that he died in the year 1841 in Frederick's County No<sup>th</sup>, intestate and leaving a widow named Juliana and the following children, viz: Joshua H. Dennis, William O. Lewis M., Samuel J. Mary A. M., and Juliana E.; that Joshua H. died leaving a widow named Mary and two children, Howard and Samuel and intestate; that Dennis died about the harvest of 1866, unmarried without issue, and intestate; that Juliana E. died about the harvest of 1866 unmarried, without issue, and intestate and that they are all adults, except Howard and Samuel, who are infants under the age of twenty one years. ~

To the 3<sup>d</sup> Int: ~ That he knows the real estate of which the said Daniel Hildebrand died seized and possessed; That he looks at Exhibits Nos. 1. 2. 3. 4. 5. and 6. now here shown him and that the lands therein described are

Commissioner