I sold it to Charles E Howard. It was well set in timber when I sold it to him, since that there has about two or three acres of it cut over. I think it would be worth about forty or fifty dollars an acre at the time, on an average ~

To the 5th Interrogatory – I think it would be quite impracticable to divide, and that it would be to the advantage of all persons concerned, to have it sold under a decree of the Court. ~

To the 5th Interrogatory, – I know of nothing else ~

6th & 7th Interrogatories ~ Waived as to this witness ~

George W. Smith a witness of lawful age, produced on the part of the Complainant, being duly sworn and examined to interrogatories filed with the Commissioner by the solicitor of the Complainant and herewith returned do-poses and says ~

The first interrogatory waived as to this witness ~

To the 2nd Int: The Complainant is over twenty one, and so is Henry M. Nydorf one of the defendants, Mrs. Joanna Howard the widow of Charles E Howard is between thirty and forty years of age – All the other defendants are infants under twenty one years of age. ~

To the third interrogatory, I know all the land very well. It is all situated in Frederick County. The tract purchased by Charles E Howard from Marlow Rhoderick is in a very good state of Cultivation, there is about thirty Eight or nine acres. I suppose it is worth about seventy or seventy five dollars per acre. The Mountain lot contains about ten or eleven acres. ~

The land is in wood, and I suppose it is worth about thirty or thirty-five dollars per acre. ~

To the fourth interrogatory. ~ I don't think the land susceptible of division, and I feel sure that it would be to the advantage of all parties interested to have the land sold and the money disposed of under the direction of the Court. ~ If the land was rented out, it would bring in but little and would certainly depreciate in value very rapidly ~

To the fifth interrogatory ~ I know of nothing else ~

To the sixth Interrogatory ~ Yes, I recollect of signing such a note along with Mr Howard – The note was given for part of the purchase money of the Mountain land. ~

To the 7th Interrogatory – The paper now shown me marked Exhibit "C" and filed in this cause is to the best of my knowledge, a correct copy of that note.

There being no other witnesses to be examined, and neither party desiring further time for the production of their Evidences, the Commissioner closed the said Commission and hereworth returns the same under his hand and seal this tenth day of January in the year 1870 ~

Francis Brengle (Seal)
Comm.r

Endorsed,

The execution of the within Commission appears by certain schedules hereto annexed ~

Costs of this Commission $8.00 –

Filed January 10th 1870 ~

Francis Brengle (Seal)
Comm.r