

Additional Interrogatory to be propounded to witnesses to be produced on the part of the Complainants in above case? ~

1st Sub. Are you a Land Holder in Frederick County, and do you own Real Estate therein. ~

Hutton G. Urner
Sole for Complainant

Testimony

By virtue of a Commission sued out of the Circuit Court for Frederick County and to me directed, empowering me to examine evidences in the Cause depending in the said Court, between Mary Ann Leveger and others as Complainants, and John David Breager and others as Defendants; I Francis Pennington Commissioner therein named did proceed at my office in Frederick City Md.; to take the following testimony on the 11th day of April in the year 1870. to wit:

The Complainants filed with the Commissioner as Evidence in this Cause Exhibits A. B. C. D. E. F. G. H. I. J. K. L. M. N. O. P. Q. R. S. T. U. V. W. X. Y. Z. and there being no witnesses to be examined this Commission was adjourned until the 16th day of April at 2 O'clock P.M. when at the place above named the Commissioner proceeded to take the following testimony to wit: ~

John Fulton, a witness of lawful age produced on the part of the Complainants being duly sworn, and examined to Interrogatories filed with the Commissioner, and herewith returned deposes and says. ~

To the 1st Sub. ~ That he knows the parties to this suit and has known them for many years. ~

To the 2nd Sub. ~ That he knew one John H. Leveger. He died in Frederick County several years ago, Witness thinks it was in the year 1864 ~

To the 3rd Sub. He left a Widow, living in Frederick County named Mary Ann. ~

To the 4th Sub. ~ That said John H. Leveger died leaving the following children, Cecelia a daughter married to Joseph Murphy, over twenty one years of age, Mary Catharine a daughter married to Jacob H. Dornbenger, John David a son married to Matilda K. Leveger over twenty one years of age, and William Henry the exact age of which he does not know. All live in Frederick County. ~

To the 5th Sub. ~ That Witness looks at Exhibits A. B. C. D. E. F. G. H. I. J. K. L. M. N. O. P. Q. R. S. T. U. V. W. X. Y. Z. and states that the persons therein named as the devisees of said John H. Leveger are the widow and only children of said John H. Leveger. ~

To the 6th Sub. ~ That he looks at Exhibits No. 1. 2. 3. 4. 5. 6. 7. 8. 9. and believes that they do describe the land of which John H. Leveger died seized and possessed, except the part conveyed to Hugh McAllen by deed marked Exhibit No 9. ~

To the 7th Sub. ~ That he should think there were about One Hundred and fifty acres altogether. About One Hundred and fourteen Acres of the land was worth in 1864 about Seventy dollars an acre, in the year 1867 the land was worth about Eighty dollars an acre, the land is worth now Eighty dollars. About thirty six acres of it was worth in the year 1864 about forty dollars an acre, in the year 1867 it was worth fifty dollars an acre, in the year 1870 it is worth fifty dollars an acre. ~

To the 8th Sub. ~ Witness don't think the land could be divided to any advantage. The quantity of land is too small for the number of heirs. The land would bring much more if sold together, the proceeds of sale if divided among the heirs would be worth more to them than their interest in the land. ~

To the 9th Sub. ~ That he knows nothing more

Petition filed
Mary Leveger
and Others