

If you, state their names, ages and present places of residence, and if any are married, and to whom?

5th Sub. - Are you or not acquainted with the real estate, whereof Upton Worthington died seized and possessed, if you, look at the papers now shown you Marked Exhibits Nos 1 & 2 B, or is not said real estate described in said Exhibits? If you, Can or cannot said land be divided without loss or injury to the parties interested; and would or would not be to the interest and advantage of all the heirs of said Upton Worthington that the said Real Estate be sold and the proceeds divided amongst those interested? State fully all your knowledge herein.

William J. Ross
Charles H. Ross
Sols for Complainants

To Francis Brangle & C. R. Wood, Commissioners.

Issue Subpoenas in this case for John J. Worthington and Charles E. Worthington to testify for Complainants.

Ross

Filed May 3rd 1870

Sols.

Testimony

At the execution of the annexed Commission issued out of the Circuit Court for Frederick County sitting as a Court of Equity on the third day of May and to us directed, empowering us to examine evidences in the cause depending in the said Court between Joshua Worthington and Henrietta Worthington his wife and others as Complainants, and Catharine Worthington, Elizabeth Worthington et al as Defendants. We Francis Brangle and C. R. Wood Commissioners therein named, having met at Office in Frederick City on Tuesday the 24th day of May to take testimony, as witnesses appearing the Commissioners, adjourned the Commission until the 30th day of May in the year Eighteen hundred and seventy, at which time and place above named, we proceeded to take the following testimony to wit.

John J. Worthington a witness of lawful age, produced on the oath of the Complainants, being duly sworn and examined to interrogatories filed with the Commissioners by the Complainants and herewith returned, deposes and says,

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

To 2nd Sub. - That he was acquainted with one Upton Worthington formerly a resident of Frederick County - That he is dead, and that he died in Frederick County in the fall of Eighteen Hundred and Sixty nine.

To 3rd Sub. - That said Upton Worthington was married at the time of his death. That Catharine Worthington is his widow who resides in Frederick County.

To 4th Sub: - That the said Upton Worthington left children - Lloyd Anna married to Nicholas H. Dorsey - aged about twenty eight years, and resides in Frederick County, Elizabeth Worthington who is about twenty six years of age, and a lunatic, who resides in Frederick County, Joshua Worthington who is about twenty five years of age, and married to Henrietta Worthington and resides in Frederick County, Laronea Worthington aged about twenty one years of age and resides in Frederick County, James Worthington who