

the Commissioners at the request of the Complainant's Solicitor, adjourned the Commission until the 28<sup>th</sup> day of September A.D. 1869, at which time and at the same place, we proceeded to take testimony as follows, to wit:

Thomas Helleary, a witness of lawful age produced on the part of the Complainants, being duly sworn and examined to written interrogatories filed with the Commissioners by the Complainants and herewith returned, deposes and says, ~

To the 1<sup>st</sup> Sub. ~ That Witness knows the parties to this suit and has known them for many years. ~

To the 2<sup>nd</sup> Sub. ~ That William H. Marlow, Thomas McMarlow, Clarence Marlow, Edward E. Marlow, Johnette S. Marlow, children of John S. Marlow are infants under the age of twenty one years of age. ~ All the rest of the parties to the Bill are adults over the age of twenty one. ~

To the 3<sup>rd</sup> Sub. ~ That Thomas J. Marlow is dead. I knew him alive. ~

To the 4<sup>th</sup> Sub. ~ That he knows the real estate described in the Bill of Complaint (Witness here shown Exhibits A & B) and in the Exhibits A & B, it is the same of which Thomas J. Marlow died seized and possessed.



To the 5<sup>th</sup> Sub. ~ That the land could not be divided up, because it is too small a tract to be divided ~ Its location not being near a town or village, it would not bring as much money divided, as it would if it were not divided! ~

It would be to the interest and advantage of all the parties infants as well as adults to have it sold, and the proceeds divided.

There being no other witnesses present to be examined and the Complainants requiring no further time for the production of their evidences, the Commissioners closed the said Commission, and herewith return the same under their hands and seals, on this Thirtieth day of October Eighteen Hundred and Sixty nine. ~


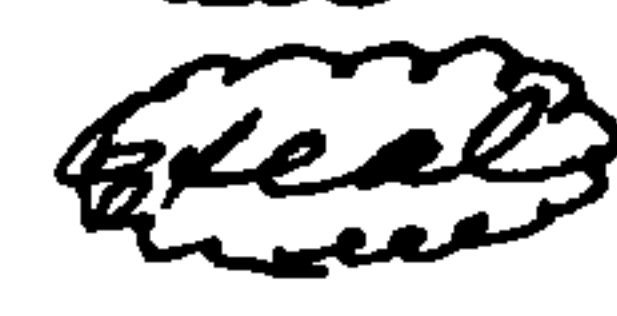
Costs of Commission  
Commissioners fees \$16 00  
J. Marlow Witness 75  
J. Helleary " 75

J. E. R. Wood   
Francis Brungle 

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Francis Brungle 

Which is thus Endorsed ~

The Execution of this Commission appears by certain Schedules thereunto Annexed ~

Filed Oct 30<sup>th</sup> 1869 ~  
J. E. R. Wood   
Francis Brungle 

Answer of Mary Marlow

The Separate Answer of Mary Marlow to the Bill and Amended Bill of Complaint, exhibited against her and others by Plesco Marlow and others in the Circuit Court for Frederick County. ~

This Defendant for answer to said Bill of Complaint admits the several matters and things therein charged, and consents to a decree for the sale of the real estate as prayed therein, and to take in lieu of her life estate, such proportions of the proceeds of the sale of said real estate as she may be entitled to. ~

Test - Samuel Clapham ~  
Filed Dec 14<sup>th</sup> 1869 ~

Mary Marlow