

Testimony

At the execution of the annexed Commission issued out of the Circuit Court for Frederick County sitting as a Court of Equity, and to us directed, and empowering us to examine witnesses in the cause depending in the said Circuit Court, between Samuel H. Forrest and wife and others as Complainants, and Celeste Ann Forrest and David Forrest as Defendants. The Honorable George and J. C. R. Wood, Commissioners therein named, having met at our Office in Frederick City Maryland, on the 8th day of June A.D. 1870, did proceed then and there to take the following testimony:

The Complainants filed with the Commissioners as Evidence Exhibits 1, 2, 3, 4, 5, 6, 7, 8, and Exhibits A and B. The Commissioners then proceeded to take the following depositions, to wit:

Jeremiah Forrest, a witness of lawful age, produced on the part of the Complainants, being duly sworn and examined to interrogatories filed with the Commissioners by the Complainants and herewith returned, deposes and says:

To the 1st Sub. ~ That he is acquainted with the parties to this suit except Nancy Forrest wife of Hanson Forrest, and has known them for many years.

To the 2d Sub. ~ That he was acquainted with Solomon Forrest, he is dead, that he died at his residence in Frederick County in the month of February A.D. 1869.

To the 3d Sub. ~ That said Solomon Forrest left children as follows, Samuel H. Forrest and Susan Forrest his wife, Wesley Forrest and Margaret Forrest his wife, who reside in Frederick County, Nathan Forrest, who married Elizabeth Miller and resides in the State of Illinois, Hanson Forrest, resides in the State of Ohio, married, but to whom, not known to witness, Daniel H. Forrest married to Ananias Deple who reside in Frederick County, Susan Forrest, unmarried, resides in Frederick County, and Maria Forrest.

To the 4th Sub. ~ Maria Forrest is dead, she died in Frederick County after the death of Solomon Forrest her father, she died intestate in the year 1869.

To the 5th Sub. ~ Maria Forrest was not married at the time of her death, that she left brothers and sisters, Samuel H. Forrest, married to Susan Dusing, who resides in Frederick County. That the Exhibits Nos 1, 2, 3, 4, 5, 6, 7, 8 and Exhibits A & B describe said lands accurately except Exhibit No 3, that portion of No 3 which describes Stony Station, which was purchased by Solomon Forrest at Sheriff's Sale, but that David Wolfe for whose land it was seized at the time had no title thereto.

To the 6th Sub. ~ That said Forrest at the time of his death, was seized and possessed of a tract called the "Range" about the three Miserable "Knobs" described in Exhibit No 1, supposed to contain 30 or 40 acres.

To the 7th Sub. ~ That the said lands cannot be divided without loss and injury in the opinion of witnesses, witness supposed it would be to the interest and advantage of all the heirs to sell the lands and divide the proceeds, because to divide the lands which are of but a tolerable quality as to soil, into small parts, would not give the heirs a comfortable living, it cannot be equally divided, so that each heir can make a support off his share.

Jacob Scoope a witness of lawful age, produced on the part of the Complainants, having been duly ^{affirmed, genuine} sworn to interrogatories filed with the Commissioners by the Complainants, and herewith returned deposes and says:

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

To the 2d Sub. ~ That he was acquainted with Solomon Forrest, he is dead he died at his own residence in Frederick County in the month of February A.D. 1869.

To the 3d Sub. ~ Said Solomon ^{Forrest} left children as follow, Samuel H. Forrest