

Testimony No. 3642 Equity ~

At the Execution of the Annexed Commission, issued out of the Circuit Court for Frederick County, sitting as a Court of Equity, and empowering me to examine Evidences in the Cause depending in the said Court, between Parnalus Feizer by John W. Shank his next friend as Complainant and Phoebe Feizer and others as Defendants ~ I George H. Shellman, one of the Commissioners therein named, having taken the oath annexed to the said Commission, and attended at my office on the 18th day of May 1871, pursuant to previous notice, and neither of the witnesses who were summoned, being in attendance, your Commission adjourned the said Commission to the next day (May 19th 1871) at the same place, and then and there proceeded to take the following depositions to wit: Dr. William H. Wagner a witness of lawful age, produced on the part of the Complainant, being duly sworn and examined to interrogatories filed with the Commission by the Complainant and herewith returned, deposes and says: ~

To the 1st Interrogatory. ~ That he is acquainted with all the parties to this suit, and has known them several years ~

To the 2nd Interrogatory - That he is acquainted with the lands whereof said Jacob Feizer died seized and possessed ~ That witness looks at the Exhibits to the Bill of Complaint in this case, numbered Exhibits 1, 2, & 3 - That they embrace the lands of which said Jacob Feizer died seized and possessed - That a small portion of the land embraced in Exhibit No 5, now shown to witness was sold by said Jacob Feizer in his lifetime to Christian Ratter and also a part of said land - which is described in Exhibit No 4 now shown to witness was sold by said Jacob Feizer to Joseph McCroskey - And that said Jacob Feizer also died seized and possessed of an undivided one third of two Acres of land sold by Mrs. Crunden to William Shank William Hays and said Jacob Feizer - mentioned in the Bill of Complaint in this case. ~

To the 3rd Sub - That he was acquainted with said Jacob Feizer in his life time, That he is dead - That he died on his farm near Woodshoro in Frederick County Maryland, about the last of January, or the first of February 1871. ~

To the 4th Sub - That the said Jacob Feizer was married at the time of his death - That his widow is Mrs. Phoebe Feizer - That she resides on the farm where her husband Jacob Feizer died, in Frederick County. ~

To the 5th Sub: - That said Jacob Feizer left six children at the time of his death - That their names are David Feizer a son and Mary Catharine Feizer a daughter by a former deceased wife of said Jacob Feizer - Parnalus Feizer, a son Laura Matilda Feizer a daughter, Susan Alice Feizer, a daughter - And Emma Olla Feizer a daughter - That they are all under the age of twenty one years, and all reside in Frederick County. ~

To the 6th Sub - That said lands are not susceptible of division amongst the parties entitled to them - That a division into so many parts would decrease the value of said lands, and cause loss to those entitled to them ~ And that it would be to the advantage of all of those interested that the lands should be sold, and the proceeds divided amongst them -

Columbus A. Loraner, a witness of lawful age, produced on the part of the Complainant being then duly affirmed and examined to the interrogatories above said - deposes and says -

To the 1st Sub. - That he does know all the parties to this suit, and has known them for several years. ~

To the 2nd Sub. ~ That he is acquainted with the lands of which said Jacob Feizer died seized and possessed - Witness looks at Exhibits Nos 1, 2, & 3