

They contain descriptions of said lands, except that portions of the lands mentioned in Exhibit No 1 - and which portions are described in Exhibits Nos. 4 & 5, now shown to witness - were sold by said Jacob Feizer in his lifetime, and he also died possessed of the undivided one third of a two acre lot mentioned in the Bill of Complaint in this case, which was sold by Mrs Brinder to William Shanks, William Hagler, and said Jacob Feizer. ~

To the 3<sup>rd</sup> Sub: - That he was acquainted with said Jacob Feizer in his lifetime - That he is dead - That he died in Frederick County. ~

To the 4<sup>th</sup> Sub. - That said Jacob Feizer was married at the time of his death, That his widow is Mrs Phoebe Feizer one of the Defendants in this case, and that she resides in Frederick County. ~

To the 5<sup>th</sup> Sub - That said Jacob Feizer died leaving six children - That their names are as stated in the Bill of Complaint, and in the foregoing testimony of Dr. Wagner - That they are all under the age of twenty one years, and all reside in Frederick County. ~

To the 6<sup>th</sup> Sub. ~ That the said lands are not susceptible of division amongst those entitled to them without loss to them, and that it would be to the advantage of all those interested, that said lands should be sold and the proceeds divided - That his reasons for this opinion are the same as those stated by Dr Wagner in his testimony foregoing. ~

There being no other witnesses to be examined and no further time for the production of evidence being desired, the Commissioner closed the said Commission, and herewith returns the same under his hand and seal this 19<sup>th</sup> day of May A.D. 1841 - And the Commissioner returns herewith, as a part of the testimony, Exhibits to Bill No. 1. 2 3. 4 & 5 referred to in the testimony of the witnesses foregoing. ~

Geo. K. Shellman Seal

Costs of Commission  
 Commissioner's fee \$ 8.00  
 Sheriff's fee . 80  
 Dr. Wm H. Wagner witness . 75  
 Let A. Craun " . 75

Endorsed

The execution of the within Commission will appear by the papers enclosed.

Filed May 19<sup>th</sup>

Geo. K. Shellman Seal

Decree

Parnalee Feizer by John W. Shanks his next friend

vs  
 Phoebe E. Feizer David Feizer and Others

No 3642 Equity. ~

In the Circuit Court for Frederick County, sitting as a Court of Equity. May Term 1841 ~

The above cause standing ready for a hearing, and being submitted, the Bill, Answer, Exhibit Depositions taken under the Commission, and all other proceedings were by the Court read and considered. ~

It is therefore this 22<sup>nd</sup> day of June in the year Eighteen Hundred and Seventy one, by the Circuit Court for Frederick County, as a Court of Equity, and by the Authority thereof, adjudged, ordered and decreed, that the land and premises mentioned in these proceedings