

1<sup>st</sup> Interrogatory - Do you or not know the parties to this suit? (Name them) If yes, how long have you known them, and where do they reside? State further which are adults and which infants, and state if any have been or are married and to whom.

2<sup>nd</sup> Interrogatory - Were you or not acquainted with Daniel Kolb? If yes, is he living or dead? If dead, where and when did he die, and where did he live? State also whether he died intestate, or left a will?

3<sup>rd</sup> Interrogatory - Did said Daniel Kolb leave a widow? If not, was he ever married and if so, to whom, and is she living or dead? And if dead, did she die before him, and when?

4<sup>th</sup> Interrogatory - Had or had not said Daniel Kolb any children? If yes, state who died before he did, if any, and whether with issue or not, and whether intestate or not, and which have survived him, the names, ages, residences of the same, and whether or not they appear as parties to this suit.

5<sup>th</sup> Interrogatory - Did or did not said Daniel Kolb die seized and possessed of any real estate situate in Frederick County? If yes, state its nature, quantity and where situated. - Look at Exhibits A+B, with the Bill in this Cause, and state whether the land left by said Kolb at his death is the same as that described in Exhibit "A" less the portion described in Exhibit "B"?

6<sup>th</sup> Interrogatory - State whether or not said land is capable of beneficial division among the said children of Daniel Kolb, or could be managed to their advantage as it is at present, and especially so far as said infant children are concerned, and whether or not it would be to the interest and benefit of said infant and the other children, to have said land sold and the proceeds divided among them according to their respective shares therein? And state the facts and reasons for your opinions.

7<sup>th</sup> Interrogatory - Do you or not know any thing further of interest to the parties to this Cause? If so state all you know herein.

John Ritchie  
Sols. for Complainants

Filed Dec. 29<sup>th</sup> 1873

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 empowered as to examine Evidences in the Cause depending in the said Court, between David F Kolb and others as Complainants and Alfred B Kolb and M A Kolb as Defendants. - We William B. Nelson and A. C. K. Wood Commissioners thereunto named, having met on the 29<sup>th</sup> day of December A.D. 1871 at our Office in Frederick Co. Maryland, did proceed there and there in the presence of the Complainants and John Ritchie the Solicitor for the Complainants to take the following Evidences.

The Complainant's Solicitor filed with the Commissioners as Evidences Exhibits A+B. The Commissioners then proceeded to take the following depositions, to wit:

John W. Brungle, 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 1<sup>st</sup> Sub. I know all the parties to this suit and have known them for a number of years. They are as follows: David F. Kolb, Lewis A. Kolb, who reside in Frederick County Maryland, Joseph Kolb and Cynthia Kolb his wife of New Richmond Ohio, Daniel Kolb Jr and Naomi Utterback, Andrew J. Whitacre and Louisa C. Whitacre his wife of Whitacre his wife, of Washington City, District of Columbia, Alfred B. Kolb and M. A. Kolb who reside in Frederick County Maryland - They are all adults except Alfred B.