

division amongst the parties interested, and cannot be divided without loss and injury, as it consists of a house and lot, situated on West Third Street, Frederick City Maryland.

J. S. Wittinger a witness of lawful age, produced upon the oath the part of the Complainant, being duly sworn and Examined to interrogatories filed with the Commissioners by the Complainant and herewith returned, deposes and says. To the 1st Int. That he is acquainted with all of the parties to this suit, and has known them all for some years.

To the 2nd Int. That he was acquainted with Sophia Simmons, formerly of Frederick County Maryland; That she is dead, and that she died in Frederick City Maryland, in the Month of July, Eighteen Hundred and Seventy One.

To the 3rd Int. That the said Sophia Simmons left Children and Grandchildren of a deceased son, namely, Charles Regis C. Thomas H. and James W. Simmons Ann Sophia, married to George W. Cole, Mary R. married to John T. Hartington and Serena Hammond Widow of Oliver Hammond, deceased, Children, and Clara A. John B. Richard H. and Mary Simmons, grand children, and Children of Richard C. Simmons, dec'd, that they all reside in the State of Maryland, except James W. Simmons, who resides in the State of West Virginia.

To the 4th Int. That he knows the real estate of which the said Sophia Simmons died seized and possessed; that he looks at Exhibit "A" now here shown him and that the property therein described is the same of which the said Sophia Simmons died seized and possessed.

To the 5th Int. That the real estate of which the said Sophia Simmons died seized and possessed, and described in Exhibit "A" cannot be divided amongst the parties interested, without loss and injury to them, as it consists alone of a house and lot on West Third Street, in Frederick City Maryland, which is indivisible.

There being no other witnesses present to be examined, and no further time being required for the production of Evidence, the Commissioners closed the said Commission, and herewith return the same under their hands and seals, this Fourth day of November A.D. 1871.

Costs of Commission

Wm B Nelson Com ^r fees	\$8.00
J. E. R. Wood " "	80
H. Bartys Sheriff " "	80
Witnesses Att ^y "	1.50
	<u>\$10.30</u>

Wm B Nelson	Com ^r	Seal
J. E. R. Wood	Com ^r	Seal
Wm B Nelson	Com ^r	Seal
J. E. R. Wood	Com ^r	Seal

Endorsed

"The execution of the within Commission will appear by certain schedules thereto annexed."

Filed November 6th 1871

Wm B Nelson	Com ^r	Seal
J. E. R. Wood	Com ^r	Seal

Answer of J. Hartwig

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Answer of Serena Hammond

The Answer of Serena Hammond to the Bill of Complaint of Charles S. Simmons and Others filed in the Circuit Court for Frederick County as a Court of Equity.

This Defendant, for answer to said Bill of Complaint, answers and says - That she admits the several matters stated in the Bill of Complaint.