

To the 1st. — That he knows all the parties to this suit for many years that Ann Elizabeth Root is his sister in law and the other parties his nephews and nieces.

To the 2nd. — That he was acquainted with Daniel Root of R, that he is dead, that he died in March last in Frederick County, Maryland.

To the 3rd. — That the said Daniel Root of R was married at the time of his death, that Ann Elizabeth Root one of the Defendants is his widow & resides in Frederick County, Maryland.

To the 4th. — That the said Daniel Root of R left the following children viz: Harriet V Root, Laura A, Mary H, Richard G and Emma A Root, all infants under the age of twenty one years, except Harriet V and Laura A Root who are adults and that they all reside in Frederick County Md.

To the 5th. — That he looks at Exhibits Nos 1 and 2 now here shown him and that said Exhibits properly describe the Real Estate of which the said Daniel Root of R died seized and possessed.

To the 6th. — That said real estate cannot be divided amongst the parties interested without loss and injury, as the same consists of about One hundred and thirty of very poor land badly improved and and badly located and off from any public road and the said land if divided will not be susceptible of advantageous cultivation or sale. — David Berly a witness of lawful age produced upon 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 7th. — That he knows all the parties to this suit and has known them all for some years.

To the 8th. — That he knew Daniel Root of R during his lifetime that he died in Frederick County Md, during last March.

To the 9th. — That the said Daniel was married at the time of his death and left a widow named Ann Elizabeth who resides in Frederick County, Maryland.

To the 10th. — That said Daniel left five children, namely: Harriet V, Laura A, Mary H, Richard G and Emma A Root all infants under the age of twenty-one years except Harriet V and Laura A who are adults and that they all reside in Frederick Co, Md.

To the 11th. — That he looks at Exhibits No 1 and 2 now here shown him, and that said Exhibits properly describe the Real Estate of which the said Daniel Root of R died seized and possessed.

To the 12th. — That the said lands cannot be divided amongst the parties interested without loss and injury as they consist of about one hundred and thirty (130) acres of exceedingly poor land badly improved and badly located, away from any public road and if divided will be worthless for cultivation and unsaleable.

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 returns the same under their hands and on this fifteenth day of May