

named did on the 8th day of December A. D. 1875 at my Office in Frederick City Md and in the absence of John E. R. Hood Comr & then and there proceed to take the following testimony to wit. The Complainants filed with the Commission as evidence "Exhibits Nos 1 & 2" which are herewith returned by the said Commission.

Whereupon there being no witnesses present to be examined the said Commission was adjourned to the 10th day of December 1875, at which time and at the place aforesaid and in the absence of John E. R. Hood Comr I then and there proceeded to take the following depositions to wit

John C. Hardt, a witness of lawful age produced upon the part of the Complainants, being duly sworn and examined to Interrogatories filed with the Commission by the Complainants and herewith returned deposes and says, to the

1st Int. My name is John C. Hardt, I am about 48 years of age, and I reside in Frederick City Maryland.

2nd Int I know them all except the children of Cyrus Waters, I have known them for some years

3rd Int. I did, he is dead he died 10 or 12 years ago, he left a widow named Margaret who died some time this fall, and before the institution of this suit.

4th Int. Yes he left children, Cyrus and Horatio adults, Cyrus died several years ago Horatio Waters resides in Frederick City Md. They were both married, Horatio's wife name is Olivia R. a daughter of Samuel R. Hogg deceased, I don't know the name of Cyrus Waters' wife, she resides in Baltimore City Md.

5th Int Yes, Cyrus died several years ago, I can't give the exact date of his death. He left a widow and children, I don't know the names of the widow and children, but they reside in Baltimore City Md.

6th Int He did, it consists of a Lot of ground on East Patrick Street Frederick City Md. which has since been sold by the Executors and parts of Lots Nos 156 157 & 158 as described on the Plat of Frederick City Md. I suppose the unsold Real Estate is worth about \$1500.

7th Int It cannot be divided without loss and injury to the parties interested, because if divided the parcels would be too small for improvement or to sell

8th Int. Certainly it would be to the advantage of all parties adults as well as infants that said Real Estate should be sold and the proceeds thereof distributed among the parties entitled for the reasons assigned in my answer to the last interrogatory

9th Int I know nothing further.

Horatio Waters, a witness of lawful age produced upon the part of the Complainants being duly sworn and examined to Interrogatories filed with the Commission by the Complainants and herewith returned deposes and says, to the

1st Int My name is Horatio Waters, aged about 42 years and I reside in Frederick City Md.

2nd Int I have known all the parties for some years.

3rd Int. I did, she was my father, she died on the 3rd day of July A. D. 1867, she left a widow named Margaret who is since dead, and who died during last summer and before the institution of this suit.

4th Int. She left two children namely Cyrus and Horatio Waters both adults, Cyrus died in Baltimore City Md leaving a widow named Emily S, Horatio married Olivia R. Hogg and they both reside in Frederick City Md.

5th Int Cyrus Waters has died, he died in the fall of 1867, he left a widow named