

- If you, describe it, Look at Papers now shown you marked Exhibits Nos 3, 4, 5, 6, 7, 8, 9, 10, 11 & 12, and State whether said Exhibits contain a correct description of said land.
4. Did or did not the said Hezekiah Botter leave a widow surviving him? If you, State her name, age, and present residence
5. Did or did not the said Hezekiah Botter leave children surviving him? If you, state their names, age, conditions in life and place of residence, and state also the same facts in regard to the heirs of any deceased child if any such there be
6. Are you or not acquainted with the hand writing of said Hezekiah Botter? If you, look at Papers shown you marked Exhibit No 1, and state in whose handwriting the signature Hezekiah Botter is
7. Did or did not the said Hezekiah Botter leave any personal property and is or is not said personal estate sufficient to pay his debts.
8. State whether the real estate after so much is sold as is necessary for the payment of the debts of the decedent can be advantageously divided among the parties interested? And state your reasons for the Opinion you entertain on this subject
9. State whether or not it would be for the advantage and benefit of all parties interested, infant and adult, that said real estate should be sold, and the proceeds divided among the parties interested in proportion to their respective rights, and give your reason for the Opinion you entertain on this subject
- C. V. S. Levy
Solicitor for Complainant.

Testimony At the execution of the annexed Commission, issued out of The Circuit Court for Frederick County, and to me directed, and empowering me to examine evidences in the cause therein depending, between William C. Botter, as Complainant, and Margaret Botter, Charles Eves & wife, & others, as Defendants, I William B. Nelson, Commissioner therein named, did on the 13th day of December A. D. 1877, at my office in Frederick City, Maryland, in the absence of John E. R. Wood, Commissioner &c, then and there proceed to take the following testimony, in the presence of the Solicitor for the Complainant to-wit:

The Complainant filed with the Commission as evidenced Exhibits 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 12, which are herewith returned by the said Commission.

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

- 1 Int: I know all of the parties to this suit and have known them all for many years
- 2 Int: I was. He was my uncle. He is dead. He died at his residence in Pottsville District, Frederick County, Md, during last summer.
- 3 Int: He was. He was possessor of the farm on which he lived containing 100 acres