

David E. Charlton, 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, deposed and says, to the

- 1 Int: I know all the Parties to this suit and have known them for some years
- 2 Int: I was - He died in Petersons District, Frederick County, Md, during last summer.
- 3 Int: He was The farm on which he resided containing about one hundred (100) acres of land and a piece of land on Road Run, about a half of a mile from his residence, containing about fifty (50) acres of land, and a farm in Pleasant Valley, Washington County, Md, containing about One hundred and fifty (150) acres of land, I know nothing about the real estate described in "Exhibit No 8. filed in this case. The "Exhibits 3, 4, 5, 6, 7, 8, 9, 10, 11 & 12" correctly describe the real estate of which the said Hezekiah Botter died seized and possessed, except "Exhibit No 8." of which I know nothing, and said real estate, I think is worth about Ten thousand Dollars (\$10 000.)
- 4 Int: He left a widow named Margaret Botter, aged 57 or 58 years, who resides in Frederick County, Md, and is in good health.
- 5 Int: He left Children as follows, namely: Elizabeth D. a daughter, adult, married to Charles Cross, adult and both residing in Frederick County, Md; A daughter Louisa C. widow of Arnold Stephens, adult and residing in Frederick County, Md; A son Robert H. Botter, who married Margaret Marshall, adults and residing in Frederick County, Md, A son Dr. William C. Botter, whose wife's name is Fanny M. Botter, adult and residing in Frederick County, Md; A daughter Altha Matilda, married to Dr. Stephen Balch, adults and residing in Jefferson County, West Virginia; A daughter Isabella, married to P. P. Marshall, adults and residing in Jefferson County, West Virginia, and Ann H. married to Thomas B. Claggett, both adults and residing in Lexington City, Missouri. Also a grandson George M. Botter, son of a deceased son (Zachariah Botter, who died before said Hezekiah Botter deceased, leaving the said George M. Botter his only son and heir, who is an infant under the age of twenty one years and who resides in Frederick County, Maryland.
- 6 Int: I look at "Exhibit No 1. now here shown me I never saw said Hezekiah Botter write and am not acquainted with his handwriting
- 7 Int: He died leaving personal property. I can't say, if it is sufficient to pay his debts. I should think not
- 8 Int: I don't think it could be divided without loss and injury, as the parcels would be too small for advantageous cultivation, or sale. Besides the several tracts are separate and some distance apart and the heirs scattered about in different places
- 9 Int: I think it would be for the benefit and advantage of all parties