

- with the Commissioners by the Complainants and herewith returned deposes and says.
- To 1<sup>st</sup>. Int: My name is Jonas Winer, I am fifty five years of age and reside in Frederick County, State of Maryland.
- To the 2<sup>d</sup>. Int: That he knows the parties. They are R. Emory Simmons, and his children and have known them for some years.
- To the 3<sup>d</sup>. Int: I know Sarah E. Simmons. She is dead. She died in December Eighteen Hundred and sixty four, in Frederick County, She died intestate.
- To the 4<sup>th</sup>. Said Sarah E. Simmons was married. She left a husband R. Emory Simmons.
- To 5<sup>th</sup>. Int: Sarah E. Simmons did leave children. She left four children, three of whom are now living and one is dead. Their names are Susan E. Simmons, Mary V. Simmons, James J. Simmons and Lynn J. Simmons. Lynn J. Simmons has since died at the age of one year and one month the others are living and all infants under twenty one years of age.
- 6<sup>th</sup>. Int: Sarah E. Simmons did own real Estate at the time of her death. I look at papers now shown me marked Exhibit No. 2. Said Exhibit describes the real estate of which said Sarah E. Simmons died seized and possessed. She owned twenty three ninety sixths of a farm of about one hundred and thirty two acres.
- To 7<sup>th</sup>. Int: R. Emory Simmons owned the balance of said tract. I look at Exhibit No. 1. now shown me. It describes the said real estate. The interest of R. Emory Simmons in the same was seventy three ninety sixths.
- To 8<sup>th</sup>. Int: Said real estate would not admit of advantageous division. It could not be divided to advantage if divided, any portion without the buildings, it could not be sold to advantage.
- To 9<sup>th</sup>. Int: It would be to the interest and advantage of all the parties in interest, infants and adults, to sell the said real estate. My reasons are that the land could not be farmed to yield what the interest on the money it brings under the contract in this case would be.
- To 10<sup>th</sup>. Int: The price agreed upon is a good and liberal one. I think the land would not bring that if sold at public sale.
- To 11<sup>th</sup>. Int: It would be to the interest and advantage of all the parties for the said agreement marked Exhibit No. 3, at which I now look to be ratified and confirmed by the Court, for the reasons I have before given.
- To 12<sup>th</sup>. Int: Waived.
- To 13<sup>th</sup>. Int: I know nothing further that would be of interest to the parties.
- Elhanan W. Winer, a witness of lawful age, produced on the part of the Complainant being duly sworn and examined to Interrogatories filed with the Commissioners by the Complainants and herewith returned deposes and says.
- To 1<sup>st</sup>. Int: My name is Elhanan W. Winer, I am fifty three years of