

now, or which may hereafter before the said Commission is closed be produced to and left with you by either of said Parties So help you God.

At the execution of the aforesaid Commission issued out of the Circuit Court for Frederick County and to me directed and empowering me to examine evidence in the cause therein depending between Mary E. England & or Amie & c, as Complainants and Walter A. England & others as Defendants & c, I William D. Nelson Commissioner therein named do on the 7<sup>th</sup> day of Oct. A. D. 1878. at my Office in Frederick City Md. open the said Commission and issued subpoena for witnesses to testify in said case upon the part of Complainant on the 9<sup>th</sup> day of October A. D. 1878 at which time and at the place aforesaid I then and there proceeded to take the following testimony to wit:

The Complainant filed with the Commissioner as evidence Exhibits "A, B, & C," which are herewith returned by said Commissioner

John D. Addison a witness of lawful age, produced upon the part of the Complainant, being duly sworn & examined to interrogatories filed with the Commissioner by the Complainant, and herewith returned deposes and says to

- 1<sup>st</sup> Interrogatory, My name is John D. Addison, age 48 years and I reside in Frederick County, Md.
- 2<sup>d</sup> Interrogatory, I am acquainted with all of the Parties, and have known them for some years.
- 3<sup>d</sup> Interrogatory, I was, He is dead - he died at Mount Pleasant Frederick County, Md. about five years ago.
- 4<sup>th</sup> Interrogatory, He died Intestate
- 5<sup>th</sup> Interrogatory, He left a widow named Mary E. England aged about 40 years & residing in Frederick County Maryland; and the following children, namely Walter A., Nathan J., Mattie E., Charles E., Imogene and John W. England, all Infants under twenty one years of age, and all now residing in Frederick County Md.
- 6<sup>th</sup> Interrogatory, He died seized and possessed of Real Estate, situate in Frederick County Maryland, I look at Exhibits A, B, & C now here shown me; said Exhibits correctly describe the Real Estate of which the said John W. England died seized & possessed.
- 7<sup>th</sup> Interrogatory, said Real Estate cannot be divided, amongst the Parties interested without loss and in my opinion said Real Estate consists of about 100. acres of Land, situate about four miles from Mount Pleasant Frederick County Md. and a House & Lot & a small Lot of ground, situate in Mt. Pleasant. The sum of 100 acres, if divided, would have to be put up in parcels that would be too small for advantageous cultivation or sale, and the House and Lots, could not be divided at all, nor could the Lot in Mt. Pleasant, as it contains only about twenty square perches of Land,