

No. 1482 Equity

At the execution of the annexed Commission, issued out of the Circuit Court for Frederick County & to me directed, & empowering me to examine witnesses in the cause therein depending between James Matthews Surfe, et al, as Complainants, and Thomas Hall Surfe, et al, as Defendants, I, William B Nelson, one of the Commissioners therein named, did on the 7th day of June A. D. 1879, at my Office in Frederick City, Maryland, open the said Commission & cause Subpoena for witnesses to be served on the part of the Complainants, before me on the 10th day of June A. D. 1879, at which time and at the place aforesaid, I then and there, proceeded to take the following testimony, to wit

The Complainants filed with the Commissioners as evidence "Exhibit No 1" which is herewith returned by said Commissioners.

Ch. Matthews
answers to
Interrog-
atories

Charles Matthews, a witness of lawful age produced upon the part of the Complainants, being duly sworn & examined to Subpoenaed filed with the Commissioner by the Complainants and herewith returned, deposes and says to the

- 1st Int. - My name is Charles Matthews I am about 35 years of age and reside in Frederick City, Maryland.
- 2d Int. - I have known all the parties for many years, they are all adults and all reside in Frederick County, Maryland, except Nicholas Matthews & wife, who reside in Baltimore City, Maryland, Frederick Fowler and Josephine Fowler, who reside in Washington City District of Columbia
- 3d Int. - I remember him He is dead. He died in Frederick County, Maryland, about the commencement of the late war He did not take
- 4th Int. - He left a widow now deceased, who died in the month of May 1878.
- 5th Int. - None as I know of. He had a sister who died before he died She left the following children, namely, James Matthews, Charles Matthews, John Matthews, Charity, wife of Thomas Hall, Harriett wife of Alfred Batow, Nicholas Matthews, and Josephine wife of Frederick Fowler, who are his only heirs at law.
- 6th Int. - Yes sir I look at "Exhibit No 1" now here shown me. It fully describes said real estate, which is located in Bartonville Frederick County, Maryland, and is worth about five hundred dollars.
- 7th Int. - Said real estate is not susceptible of division amongst the parties interested, and it would be for the benefit and advantage of all the parties interested, that said real estate should be sold and the proceeds of sales distributed among the parties entitled, because it consists of a frame house and lot in Bartonville & cannot be divided, and it would be to the advantage of all parties to have it sold. There is no one to particularly attend to look after it and it is daily depreciating in value

Whereupon there being no other witnesses present to be examined and further time being required for the production of evidences, the said Commissioner was adjourned to the day of June 1879, at which time and at the place aforesaid, I then and there proceeded to take following testimony, to wit.