

No. 11617 Equity.

- 1. their names, ages, conditions in life and present places of residence.
- 5. Did, or did not said Ezra Brandenburg die seized and possessed of real estate situated in Frederick County? If yes, describe it. Look at papers now shown you marked Exhibits Nos 1, 2, 3 and 4 and state whether or not said papers accurately describe said real estate.
- 6. Is or is not said Real estate susceptible of division among the parties interested without loss and injury to said parties? State the facts which lead you to the opinion you entertain in this subject.
- 7. Is or is it not to the advantage of all parties interested, infant and adult, that said real estate should be sold and the proceeds divided among the parties entitled thereto? State the facts which lead you to the opinion you entertain on this subject.
- 8. What is the value of said Real estate?

C. W. J. Levy
Solicitor for Complainants

At the execution of the annexed Commission, issued out of the Circuit Court, for Frederick County, sitting as a Court of Equity, and to me directed, and empowering me to examine Evidences in the Cause therein depending, between Cora W. Brandenburg & others, as Complainants, and Charles W. Brandenburg, and Walter G. Brandenburg, as Defendants, J. William B. Nelson, one of the Commissioners therein named, did on the 4th day of January, A. D. 1881, at my office in Frederick City, Maryland, there and there, in the presence of the Solicitor for the Complainants, proceed to take the following testimony, to wit:

The Complainants filed with the Commissioner as Evidence "Exhibits Nos 1, 2, 3 & 4" which are herewith returned by said Commissioner.

William W. Walker, a witness of lawful age, produced upon the part of the Complainants, being duly sworn and examined to Interrogatories filed with the Commissioner by the Complainants & herewith returned, deposes & says to the

- 1st Int: Yes, for many years.
- 2d Int: I was, he is dead. He died in Mt Pleasant District, Frederick County, Maryland, about for years ago.
- 3d Int He did leave a widow named Margaret E. Brandenburg, aged about 40 years, and now residing in Frederick County, Md.
- 4th Int. He did leave children as follows; Hedora, a daughter, wife of James M. Allister adults and residing in Kansas, Cora W. Brandenburg adult, residing in Frederick County, Maryland, & Charles W. Brandenburg, and Walter G. Brandenburg infants under twenty-one years of age, and residing in Frederick County, Maryland.
- 5th Int. He did. It lies in Mt Pleasant District, Frederick County, Md., and contains a little over One hundred acres of Land I look at Exhibits Nos 1, 2 & 3" now here shown me. They accurately describe said Real estate.
- 6th Int. It is not susceptible of division among the parties interested without loss and injury; because there is water only on one part of the property. It is arable land about two miles and a half from Mt. Pleasant, and, if divided the portions would be too small to admit of advantageous cultivation, or sale.
- 7th Int It would be for the benefit and advantage of all parties interested, infants as well as adults, that said real estate should be sold and the proceeds thereof distributed amongst the

Testimony of
W. W. Walker