No. 1736 Equity

thereon named, did, on the 4th day of January, A. D. 1882, open the said Commission and issue Subpoenas for witnesses to testify upon the part of the Complainants, returnable on the 7th day of January A. D. 1882, at 11 O'Clock, A. M.; at which time and at the place aforesaid, I, then and there in the presence of the Solicitor for the Complainants proceeded 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 the said Commissioner.

Testimony

Elam M. Creager, a witness of lawful age produced upon the part of the Complainant, being duly sworn and examined to Interrogatories filed with the Commissioner by the Complainants and herewith returned deposes and says, to the

1st Int. - I have known all the parties for a number of years.

2d Int.: - I was. He is dead. He died in 1863, at his residence in Frederick County Maryland.

3d Int. - He died intestate, leaving a widow named Ellen Nelson, and the following children, namely Robert J. Nelson, whose wife's name is Annie E Nelson, adults, residing in Frederick County, Maryland: - Mary R., wife of John M. Shroderuck, adults, residing in Frederick County, Maryland: Laura R Nelson, and Ellen S., wife of John A Stauffer, both infants under the age of twenty one years & both residing in Frederick County, Maryland.

4th Int. - I was. He is dead. He died in Liberty town, Frederick County, Maryland in 1875.

5th Int. - I am. I look at "Exhibits Nos. 1, 2, 3 & 4", now here shown me said lands are fully and correctly described by said Exhibits.

6th Int. - The widow and children of Robert N. Nelson were in possession thereon since the death of the said Robert N. Nelson, and Robert J Nelson is now in possession thereof as tenant

7th Int. - They cannot. The property consists of about One hundred Acres of Land (100 acres), with one set of buildings, and could not be divided without loss and injury, equally among the parties interested.

8th Int. - It would be for the benefit of all the parties interested, infants as well as adults, that said Real Estate should be sold, and the proceeds thereof distributed amongst the parties entitled according to their several interests, for the further reason that said real estate, if divided into parcels, would not admit of advantageous cultivation, or sale, as said parcels would be too small.

Interro

Charles M. Burrier, 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, and herewith returned, deposes and says, to the

1st Int: - I know all the parties, and have known them for some years.

2d Int. - I was. He is dead. He died in 1863, in Frederick County, Maryland.

3d Int: - He died intestate. He left a widow named Ellen Nelson, now residing in Frederick County, Maryland, and the following children, to wit: Robert J. Nelson whose wife's name is Annie E. Nelson, both adults & residing in Frederick County, Maryland, Mary R, wife of John M. Shroderuck, both adults & residing in Frederick County, Maryland; Laura R. Nelson, infant under the age of twenty one years, and residing in Frederick County, Maryland, and Ellen S.