met to examine witnesses in the cause depending in the said Court between John L Hook & James S Hook and others Complainants and Rezin E Davis James R Davis and John E Davis as defendants

I Matthew Tilghman Evans Commissioner therein named being at my office in the town of Cumberland on the 25 day of October in the year 1845 and having taken the oath annexed to the said Commission both taken by me and pursuant then and there in the presence of William Price Esq Solicitor for the Complainants to take the following depositions to wit.

Rezin V Hook a Witness of lawful age produced on the part of the Complainants being duly sworn and examined to interrogatories filed with the Commission by the Complainant and hereunto returned deposes and says. To the first Interrogatory I know the plaintiffs and defendants The defendants are infants the youngest is between three and four months old, the elder is about three years old and the next between eighteen months and two years old They are the children of Thomas D and Matilda Jane Davis.

To the second Interrogatory I am acquainted with the estate in part of a tract of land called The Brothers lying and adjoining Cumberland Town between the Beaver and Little Valley roads The part of the tract of land of which I speak is that above the Beaver Dam contains between 17 and 20 acres as well as I can state there is also a house and part of a lot next to or opposite the Big Spring adjoining Wells Tavern property.

To the 3d Interrogatory I think it would be very much to their advantage The property lies in such a way that it can do none of the heirs any good It let it lay without a partition It is the wish of all the heirs of mature age and of the widow that it should be so divided

To the 4th Interrogatory I do not — R V Hook

Samuel L Hook a Witness of lawful age produced on the part of the Complainants and sworn to interrogatories with the Commission deposes and says.

To the first Interrogatory I know the parties to the suit They are infants One of them the oldest is between three and four, the second is 18 months or two years and the youngest between three



and four months old They are the children of the persons named —

To the second Interrogatory I am well acquainted with the property and Little Valley road adjoining Cumberland and is part of the tract called The Brothers and there is also a house and lot in the upper part of the town there is between 17 and 20 acres.

To the 3d Interrogatory I think it would be very much to their advantage If the property lies in their further left it could do none of them any good, and if it is divided it can be put out to more advantage I know that most of the heirs are the under age and anxious for a division. To the 4th Interrogatory I do not.

Samuel L Hook.

There being no other witnesses to be examined, and no one desiring further time for the producing of evidence the Commissioner closed the said Commission and hereunto returns the same under his hand and seal this 25 day of October 1845 — Matthew Tilghman Evans Com

Thereupon the Court here passed the following Order to wit.

John L Hook Jane L Hook
and others
vs
Rezin Allen Davis James Reuben Davis & John Edmund Davis

Ordered by the Court this 25th day of October 1845 that commission issued to Samuel P Smith Jonathan Butler John Wright John Hays and Baptist Mallonglin to make partition amongst the parties according to their respective interests

Robert N Martin.

Whereupon commission issued to Samuel P Smith Jonathan Butler John Wright John Hays and Baptist Mallonglin Esqs in form following to wit

Maryland Allegany County to wit

The State of Maryland to Samuel P Smith Jonathan Butler John Wright John Hays and Baptist Mallonglin of Allegany County Greeting Whereas by an order of Allegany County Court sitting as a Court of Equity passed in a certain cause depending in our said Court wherein John L Hook James S Hook Isaac L Hook Thomas D Davis and Matilda Jane Davis and Rezin Hook Indian are complainants and Rezin Allen Davis James Reuben Davis & John Edmund Davis children of Matilda Jane Davis are defendants it was ordered and decreed that a certain thereof be