

If you is it the same Real estate described in the bill  
5. Would it be to the advantage of Interest of the parties concerned  
Infant as well as adult, that the said Real Estate should be sold  
and the proceeds divided amongst them, if you state your reasons  
for this opinion

W. M. Merrick Sol

N<sup>o</sup> 2393 Equity In the Circuit Court for Frederick Return of Commission to take in the case of Hugh McAllen, William P. Anderson & others. Complainants, and John A. Anderson defendant

At the execution of the annexed Commission -  
issued out of the Circuit Court for Frederick County, sitting as a  
Court of Equity, in a cause then depending, in which Hugh Mc-  
Allen & William P. Anderson, are Complainants & John A. Anderson  
is defendant, which Commission is to me R. M. Merrick directed  
to examine witnesses in said case, & the said Commission  
having been previously sworn according to law, did proceed on  
the 27<sup>th</sup> December 1851, at the office of Wm M. Merrick Esq in the  
City of Frederick at 11 o'clock A.M. pursuant to a writ process  
to take the following deposition

David Trayer, witness produced, on the part of the Complainant  
of lawful age, being first duly sworn answers.

To the first Interrogatory herewith filed & returned, on the part of  
the said Complainants

That he knows all the parties in this case.

To the second he answers, That he did know Thomas Anderson,  
decd<sup>d</sup> that he died about 8 or 9 years ago: that he left no will. He  
left a widow - Ann Anderson, who has since intermarried  
with John Thomas Jr, and said Anderson left the following  
children to wit: William P. Anderson Covington Anderson  
Henry Mortimer Anderson, & Abiel Anderson & Mary since  
intermarried with Charles Truener, and John A. Anderson  
a grand child, the only surviving child of their of Philemon An-  
derson, son of said Thomas, who died in the life time of said -  
Thomas now dead.

To the 3<sup>rd</sup> Inty He answers The only one of the heirs that is  
in age is John A. Anderson the grand child above named  
in answer to the 2<sup>nd</sup> Interrogatory

To the 4<sup>th</sup> Inty, He answers that said Thomas Anderson  
did devise of Real Estate, and is the same described in  
the bill filed in this cause, which is now shown & read to him

To the 5<sup>th</sup> Inty He answers, That it would be for the Interest of  
all parties, concerned That the land should be sold, his reason  
is that the property is now in a depreciating condition, & that  
the proceeds of sale, would at Interest produce more than the  
rents from the property as it now stands, and the sale would  
save the expense of repairs, which must be made to keep  
the property up. The Commission here as sworn & was here closed  
there being no other witnesses to examine - Costs to Com<sup>r</sup> \$4 -  
to witness David Trayer 66<sup>cts</sup> to Sheriff for summoning witness  
all which is Respectfully returned this 29<sup>th</sup> day of Decr 1852

R. M. Merrick Com<sup>r</sup> 