

Return of
Court to
take testimony

At the execution of the annexed Commission issued out of the Circuit Court for Frederick County sitting as a Court of Chancery to R Wilam Jr and J I Nelson directed empowering us to examine witnesses in a cause therein depending in which Caroline Matilda Pearce by W^m Law her next friend, is Complainant and Deborah Pearce and James Pearce executor Joshua Pearce and others are defendants. We the undersigned having taken the necessary oath prescribed by law, did appoint this 26th day of April 1852 at the office of R Wilam, in the city of Frederick to take testimony when John Nicodemus witnesses produced on the part of the Complainant being of lawful age and being duly affirmed answers to the first interrogatory herewith filed and returned on part of Complt. That he knows all the parties Complainant and defendant, the infants under age are Catharine Matilda Pearce, Complt. Charles Morgan Pearce Laura J Pearce and Francisca W Pearce all the rest are adults.

In the second Int. he avers he did know Joshua Pearce, he is now dead, the name of his widow is Deborah Pearce, the children are Caroline Matilda, Charles Morgan Pearce Laura J Pearce, Francisca W Pearce & Susanna C Pearce now dead, died 6 or 7 years since about 1846 all the above named, now being children are minors

In the third Int. Knows the real estate of Joshua Pearce deceased, has been frequently on it in the last 30 years. he has looked at the valuation of the real and personal estate now shown him, marked "Exhibit No 2" and from defendants knowledge of the estate and the valuation, he thinks decidedly that it would be for the advantage and interest & be more beneficial to C Morgan Pearce as well as all others interested therein, that the entire real estate should be sold and the proceeds of sale distributed under the will and according to its provisions. The reasons for this opinion are that C. M. Pearce could never pay the legacies and support the family without great and ruinous loss to himself and the safest and best plan for all is to sell.

In the fourth Int. Defendant does not know nor does he believe that C M Pearce has any other means of payment of the legacies devised and bequeathed to his sisters than the lands & personal estate devised & bequeathed to him. That C. M. Pearce, would have to sell the greater part of the property bequeathed to him in the will to pay the legacies. that the effect would be entirely ruinous upon the interest of said C. M. Pearce if the land & personal estate, was taken at the valuation charged with the said legacies.

In the fifth Int. The interest of C. M. Pearce and all other parties infants & adults would of course be promoted by a sale of the real estate and a division of the proceeds according to the provisions of the will, defendant has already given the reasons for this opinion which are that any other course would be wholly ruinous to C. M. Pearce and a sale would do equal justice to all.

In the last Int. Knows nothing further respectfully returned

The Commission was here closed and is
R Wilam Jr

Cats to R W Jr #4. Witnesses 187/cts.
J I N #

papers filed with the Court. Ex No 1 Copy of the will. Ex No 2 valuation of estate No 3 & No 4 Copies of letters testamentary

Endorsed "Filed May 10 1852"

R W Jr Cw:

Decree

Caroline Matilda Pearce by William Law
her next friend

No 2416 Equity In the Circuit Court
for Frederick County sitting in Equity
February Term 1852

vs
Deborah Pearce and James Pearce
Executors of the last will of Joshua Pearce
and others

The above cause standing ready for a
hearing and being submitted, the Bills
& answers, exhibits, depositions and all other
proceedings were by the Court read and considered, and it appearing to the Court that the

proceedings were by the Court read and considered, and it appearing to the Court that the