

2<sup>d</sup> Inty Do you or not, know the children of Isaac Daugher dec? If yea state how many & which of them are minors, under the age of Twenty one years?

4<sup>th</sup> Inty Look at the papers herewith shown you, marked exhibits Nos 2. 3. 4. 5 & 6. is or is not that the Real estate devised by Isaac Daugher (dec<sup>d</sup>) to Mrs. Ann E. Daugher, as described in the Copy of his will herewith shown you, marked exhibit N<sup>o</sup> 1. Do you or not know said Real Estate If yea, would it or not, in your opinion be for the benefit of all parties, interested therein that said Real Estate should be sold, and the proceeds invested for the benefit Mrs. Ann E. Daugher, during her life, & for distribution, among the parties, entitled, on her death? If yea give your reasons therefor

Trayson Eichelbayer, Callr for Complainant

At the execution of the annexed Commission, issued out of the Circuit Court for Frederick County, sitting as a Court of Chancery, on the 3<sup>d</sup> day of January 1854 to R. Wilson Jr. Justice as Commissioner, empowering him to examine evidences in a cause there depending in which James W. Daugher & others are Complainants, and Oscar Daugher & others are defendants, the undersigned Commissioner, having previously taken the oath as prescribed by the Court & Recorded in the Clerks Office, proceeded, on the 20<sup>th</sup> day of January 1854, to take the following deposition, on Interrogatories filed on the part of Complainants solicitor & herewith returned, viz.

Eli Smith, Esq of Emmittsburg, witness, produced on the part of Complainants of lawful age - being duly sworn, answers to the first Interrogatory, herewith filed, that he is acquainted with the parties to this suit, and has known them for many years.

To the 2<sup>d</sup> Inty he answers, He knows all the children of Isaac Daugher dec. Three of them are minors, viz. Ann E., Isaac A. & Emma C. Daugher and a grand child - James A. Sheets the Infant & only child & heir of Virginia Sheets (dec<sup>d</sup>) a daughter of Isaac Daugher dec.

To the 3<sup>d</sup> Inty, He answers - He knew Virginia Sheets, in her life time, she is now dead, she died about 2 years, and a few months since & left one child - James A. Sheets, mentioned in the answer to the 2<sup>d</sup> Interrogatory.

To the 4<sup>th</sup> Inty, He answers, he has looked at the papers herewith returned & now shown him, marked, Exhibits Nos 2. 3. 4. 5. 6. That the said papers, so marked, describe the same property devised by the will of Isaac Daugher, to Mrs. Ann E. Daugher as described in the Copy of the will, now shown deponent, marked, N<sup>o</sup> 1. That deponent is acquainted with said Real Estate, and is of the opinion - that it would be for the benefit of all parties - interested in said property - that said Real Estate should be sold, & the proceeds invested - for the benefit of Mrs. Ann E. Daugher, during her life, and for distribution among the parties entitled on her death, his reasons, for so saying & thinking are - That the property is going down, it cost a good deal for necessary repairs, or the property, would so depreciate as to affect its value & sale, the property has diminished in value in the last 5 years

The proceeds of the property on a sale, when invested in stocks &c. would yield more - at Interest than the rents <sup>co<sup>d</sup></sup> produce if it all time occupied, & the expense of repairs, would be saved &c. The Commission was here closed & is Respectfully returned.

R. Wilson, Com<sup>r</sup>

The following answer was filed, Jan<sup>y</sup> 16. 1854.

The separate answer of Levi A. Sheets, one of the defendants to the Bill of Complaint of James W. Daugher, and wife, and others, against this defendant & others, being N<sup>o</sup> 2554 in the Circuit Court, for Frederick County, sitting as a Court of Equity - This defendant - for answer to said Bill says - That it will be for the benefit, of all parties, interested - that the Real Estate - devised by Isaac Daugher to Ann E. Daugher, during her life should be sold, and the proceeds invested for her benefit, during her life, and for distribution, after her death, among the parties - entitled, according to their respective rights. This defendant, admits the facts