

The following answer was filed 11. Nov. 1854.

The separate answer of Elizabeth Eichelberger, one of the defendants, to the Bill of Complaint of Michael F. Eichelberger, and others, filed against these defendants, and others, in the Circuit Court for Frederick County, sitting as a Court of Equity. This defendant for answer, thereto says, she admits that said Joseph Eichelberger, died intestate, leaving the Real Estate specified in the proceedings in said Cause, and leaving as his heirs at Law the parties there in named, and this defendant as his widow. But that Harriet A. Eichelberger, one of said children, and heirs at Law, has since the filing of said Bill of Complaint, departed this life, intestate, leaving her Brothers, and sisters therein named, as her only heirs at Law. This defendant further answering says, That said Real Estate will not admit of partition, among all said heirs at Law, and parties entitled, without injury and loss, but this defendant is willing - that a partition thereof should be made, and the dower right of this defendant laid off, or that said Real Estate should be sold by Justices to be appointed for that purpose, free from the encumbrance of this defendant's dower therein, and that in lieu thereof I will accept such portion of the proceeds of sale as the Court shall think proper to allow, and the Law of the State may provide.

This defendant further answering, admits all the other facts alleged in said Bill of Complaint, and is willing a Decree shall pass as therein prayed.

Geo W Anderson  
Attest.



Her  
Elizabeth X Eichelberger  
mark

1854 Nov. 11. I hereby agree to accept the within answer, without oath, to have the same effect, as if sworn to.  
Grayson Eichelberger, Saller  
For Complainants

Whereupon the following Commission was issued.

Maryland &c: The State of Maryland, to Robert Wilson Jr. Esq: of Frederick County: Greeting: Be it known, That you are appointed Commissioner, to examine Evidences in a Cause depending, in the Circuit Court for Frederick County, as a Court of Equity - Between Michael F. Eichelberger & others, Complainants, and Elizabeth Eichelberger & others defendants, you are therefore required, having first taken the Oath hereunto annexed, and also administered the annexed Oath, to the person whom you shall appoint as Clerk, to attend the execution of this Commission, That at such time, and place, as to you shall seem convenient, you cause to come before you all such evidences as shall be named and produced to you, by either the Complainants, or Defendants, and that you examine them, on their Corporal Oaths, to be by you administered upon the Holy Evangelij of Almighty God, touching their knowledge, or remembrance of any thing that may relate to the Cause aforesaid. And that you cause Notice to be given to the parties, or their Attornies, of the execution of the Commission, before you execute the same, and having reduced the depositions of the witnesses, so taken by you into writing, you send the same with this Commission, close under your hand & seal, into Court, as a Court of Equity, with all convenient speed. Witness the Honble Mason Nelson, Judge of our said Court, the 16<sup>th</sup> day of October Anno Domini 1854. Issued 11. day of Nov 1854. Edw. Shises, Clk.

Michael F. Eichelberger  
and others

} N. 2579. In the Circuit Court for Frederick County,  
Sitting as a Court of Equity.  
Interrogatories to be propounded to the witnesses.  
to be produced, and examined, on the part of the  
Complainants. 1<sup>st</sup> Inty. Do you know the parties in this Cause - If you how  
long have you known them?

Elizabeth Eichelberger & oth.  
Complainants