

2^d Inty. Did you know Joseph Eichelberger, late of Frederick County. Is he living or dead? when did he die? and did he or not die intestate?

3^d Inty. Do you know the children, and heirs at law of said Joseph Eichelberger? If you state their names, and which, if any of them are minors, did he, or not leave a widow, and what is her name & age?

4th Inty. Do you know the Real Estate of which said Joseph Eichelberger died seized? If you will said Real Estate admit of partition, among said heirs at law & parties according to their respective Interests, without loss, and will it or not be for their benefit, and advantage - That said Real Estate should be sold, and the proceeds distributed, among the parties, according to their respective rights. State your reasons for such opinion

Grayson Eichelberger,
Sells for Compts.

At the execution of the enclosed Commission, issued out of the Circuit Court for Frederick County, sitting as a Court of Equity, and to me directed, and empowering me to examine evidence, in a Cause pending in said Court, between Michael F. Eichelberger & others, as Complainants, and Elizabeth Eichelberger and others as defendants. J. Robert Wilson Jr. the Commissioner therein named did proceed on the 8th day of December 1854, in the presence of the Solicitor for the Complainants, to take the following deposition.

Lewis F. Coppersmith, a witness of lawful age, produced on the part of the Complainants, being duly sworn, and examined to Interrogatories filed by the Solicitor for the Complainants, and herewith returned, deposes and says

To the First Inty. I know all the parties to said Cause and have known them for a long time. - To Second Interrogatory, I do know Joseph Eichelberger, he is dead. He dies some time in April 1854. He died intestate. To the Third Interrogatory - I do know the children & heirs at law of Joseph Eichelberger, dec'd. their names are Michael Fr. Mary married to John Seabrooks, Virginia, Susan, Martin, Grayson & Macon. Macon one of his children, died some time in October, intestate, leaving her brother and sisters, as her only heirs at law. Susan, Martin, Grayson & Macon are Infants, under twenty one years of age - Joseph Eichelberger, died leaving a widow, whose name is Elizabeth, and who is between fifty and sixty years of age

To the 4th Inty. I do know the Real Estate of which Joseph Eichelberger died seized and possessed - It will not in my judgment, admit of partition among said heirs at law, and parties, without injury & loss, and it will, for the benefit of all the parties, interested - That said Real Estate should be sold, my reason for this opinion is that said Real Estate, consists of two farms, and that in dividing it into so many parts, there will be no improvements on any of the parts but two, and on one of those the improvements will be very valuable consisting of a valuable Grist Mill, saw mill, Mansion House, & Barn. on the other the Improvements are not so valuable, and on the other parts there will be no improvements, whatsoever, and the said heirs having no other source of income, will not be able to put improvements on the same.

There being no other witnesses to be examined, and the Solicitor for the Complainants, not desiring time for the production of any further testimony, I close the said Commission, and herewith return the same closed under my hand & seal this 8th day of December 1854.

R. Wilson Jr. Comr. Seal

Commissioners fee 1 day - \$ 4.00

L. F. Coppersmith, Witness. 66/100

\$ 4.66 2/3