

Answers of
B. Biggs, J^r
J^r. Troxel
& Eli G. Graff.

The answers of Benjamin Biggs, J^r, Joseph Troxel and Eli G. Graff three of the defendants to the bill of Complaint of Jeremiah Chamberlain, Elizabeth Chamberlain, John Chamberlain, Martha Chamberlain, Thomas Gilson and Others against these defendants and others in the Circuit Court for Frederick County sitting as a Court of Equity. These said defendants saving and reserving to themselves now and at all times hereafter, all and all manner of benefit and advantage of exceptions to the imperfections in said bill of Complaint contained, for answer therunto or unto so much thereof as is material for these defendants to make answer unto. They answer and say that they admit that Benjamin Biggs, late of Frederick County deceased, died leaving the real estate described in said bill of Complaint, undisposed of by last will and testament, which real estate now belongs to and is owned by the Complainants and defendants in this case, tenants in Common in the manner set forth in said bill of Complaint, and that it will not admit of a division amongst all the said tenants in Common without injury, that Sarah N. Graff and Golden Graff are infants, as stated in said bill, under the age of twenty one years. These defendants admit that it would be for the interest and advantage of all the said tenants in Common to have the said real estate sold by a Trustee to be appointed for that purpose, and the money, the proceeds of sale, divided amongst the said tenants in Common according to their several rights and proportions to be divided by the Court. These defendants admit the facts stated in said bill, and they join in the prayer for a sale as they wish said lands and premises sold. - Signed by us,

Joseph Troxel,
Benj^r Biggs,
Eli G. Graff.

Sol Order
to examine
to take testy.

Chamberlain et al } No 2675 Equity,
vs }
Biggs et al } In the Circuit Court for Frederick County, sitting in Equity.

In this case the Clerk will issue a commission to Grayson Eichelberger as Commissioner to take testimony to prove the allegations of Complainants bill
Jos. M. Palmer, Sol^r for Complainants,

Commission
to take
Testimony

Maryland, &c. The State of Maryland to Grayson Eichelberger 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 Jeremiah Chamberlain and Others complainants and Benjamin Biggs, J^r and Others defendants, You are therefore required, having first taken the oath herunto 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 attorneys 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 and seal, into the Court as a Court of Equity, with all convenient speed,

Subpoena
for
Witness

Interrog^{to}

Testimony