

of Frederick County, greeting. You are hereby commanded that all excuses set apart, you personally appear before the Judge of the Circuit Court for Frederick County, sitting as a Court of Equity, to be held at the Court House in Fredericktown, in and for said County, on the third Monday of October next to answer the bill and complaint of Basil Delashmutt and Elizabeth Frances his wife, and Thos. S. Jarboe and Margaret L. his wife, against you in our said Court exhibited, and so forth.

Hereof, fail you not, as you will answer the contrary at your peril, Witness the Honourable Madison Nelson, Judge of our said Court, the 7th day of July 1842. Signed the 12th day of July 1842. J. G. Fitzhugh Clerk

G. E. To the Sheriff of Frederick County,

Answer of Geo. W. Eagle & others

The joint and several answers of George W. Eagle & Sarah Jane his wife, Lycurgus Eagle, John F. Waesche and Margaret Waesche his wife, to the bill of Complaint of Basil Delashmutt and others filed against these defendants and others in the Circuit Court for Frederick County.

These defendants for answer to said bill of Complaint say that William Eagle died intestate seized and possessed of the real estate therein specified, leaving as his heirs at law the children and grand children named in said bill. These defendants admit that said real estate is not susceptible of advantageous division among said heirs at law, that they do not elect to take the same under the act to direct descent - that it will to the advantage & interest of all the parties concerned, infants as well as adults, that said real estate should be sold and the proceeds distributed among them and they are therefore willing a decree shall pass as therein prayed.

Witness - Henry J. Boyer

George Eagle
Sarah ^{his} _{mark} Eagle

In addition to the foregoing, which the said Lycurgus Eagle, John F. Waesche and Margaret E. Waesche adopt as a part of their answer to said Bill of Complaint, they respectfully ask the Court to take into consideration the claims of Lycurgus Eagle to act as trustee to sell said lands, and the recommendation of the parties interested in the proceeds of said sales when made,

John A. Lynch, Solicitor for Lycurgus Eagle & John F. Waesche & wife

Rec'd - We the undersigned parties interested in the lands mentioned in No 3046 Equity, being the lands in possession of the late Wm. Eagle at the time of his death, respectfully appoint recommend Lycurgus Eagle, a son of said deceased, as a suitable and proper person to act as trustee to sell said lands and hereby ask the Court to appoint him.

To the Hon. Mr. Nelson Judge of the Circuit Court for Frederick Co. as a Court of Equity.

Test Henry J. Boyer -
Test Cha. M. Roberts
Test Wm. Eagle Jr

George Eagle - Sarah ^{his} _{mark} Eagle
J. Belt for W. E. Belt & J. A. Belt
John F. Waesche - Margaret E. Waesche

Com. to Basil Delashmutt wife and others } No. 3046 in the Circuit Court for Frederick County, sitting in Equity. }
Guardian as } J. G. Fitzhugh, Clerk }
George W. Eagle father } You will issue to Robert G. McPherson Esq. a Commission to assign a guardian for Maria E. Belt & John Belt the infant defendants in the above case and to take the answers of said infants, and they having been -