

2nd. Did he leave a widow, and any children? If yes, name the widow, and the children and the age thereof. ~ 3rd. Did the said Samuel C. Eichelberger have a last will and testament? If yes, is the paper filed marked Exhibit A a copy of his will, ~ 4th. Was John Hahn, the Executor named in said will fully administered on the personal estate and also sold the real estate directed by said will to be sold, and applied the proceeds in a due course of administration to the payment of the debts of said testator? ~ 5th. Are the papers filed and marked defendants Exhibits No. 1 & 2, signed by the said Samuel C. Eichelberger? ~ 6th. Are there any means belonging to the Estate of the said Samuel C. Eichelberger real or personal, from which the balances due on the said single bills can be paid, except by a sale of the real estate devised by said last will to the said infant child of the said testator? ~ 7th. Will it be for the benefit and advantage of the said infant child, apart from the necessity of paying said debt, to sell said land so devised to said infant, and invest the proceeds for his benefit, or to keep said land for the use of said infant, - state your reasons for your opinion, and state the value and quantity of said land. ~ 8th. Are there the said infant any other means for his support and education than the proceeds of the sale of said land? And will the rent of said land, after deducting the widows dower be sufficient for the support and education of said infant, ~ 9th. Do you know any other matter or thing material to the parties to this cause? If yes state it. ~

Wm. P. Maulsby Solr for Compl

Testimony

At the execution of the annexed Commission issued out of the Circuit Court for Frederick County, and to me directed and empowering me to examine evidence in the cause depending in the said Court, between Matthew A. Eichelberger, Applicant & Co. as Complainant, and Geo. W. Eichelberger and others, as defendants, A. William B. Nelson, Commissioner therein named, did on the 15th day of August in the year Eighteen Hundred and sixty five, at my Office in Frederick City, Maryland, proceed to take the following testimony, to-wit: The Complainant filed with the Commissioner as evidence Exhibits "A. & B." and defendants Exhibits Nos 1 and 2, which are herewith returned by the Commissioner; and there being no witnesses present to examine and the Complainant requiring further time for the production of her evidence, the said Commission was adjourned to the 21st day of August, Eighteen Hundred and sixty five, at which time and at my Office aforesaid, I, then and there proceeded to take the following depositions, to-wit: Leonard Picking, a witness of lawful age, produced on the part of the Complainant being duly sworn and examined to interrogatories filed with the Commissioner by the Complainant and herewith returned, deposes and says. ~

To the 1st. That he knew Samuel C. Eichelberger, formerly of Frederick County, Maryland that he is dead and that he died about four or five years ago. ~ To the 2nd. That the said Samuel C. Eichelberger left a widow and one child - that the widows name is Martha C. aged about twenty five years - that the child's name is Geo. Milton Eichelberger, who is an infant under the age of twenty one years. ~ To the 3rd. That he knows nothing. ~ To the 4th. That he knows nothing. ~ To the 5th. That the papers now shown deponent and marked defendants "Exhibit No. 1" and defendants "Exhibit No. 2," are in the proper handwriting, as to the bodies of the notes of deponent and are signed by the said Samuel C. Eichelberger - that the signatures "Samuel C. Eichelberger" thereunto attached are in the proper handwriting of the said Samuel C. that deponent has frequently seen the said Samuel C. write and is acquainted with his handwriting and his signature. ~ To the 6th. That he knows nothing. ~ To the 7th. That it will be for the benefit and advantage of the infant child George W. Eichelberger to sell the lands devised to him and to invest the proceeds for his benefit, for the reason that the said lands is daily depreciating in value and that the rent received =

by John A. ...
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