

administered to the Petitioners in said Commission mentioned which said answers with said Commission is herewith returned Closed under my hand & seal this fifth day of September A D 1859

Jos. W. L. Barty (Seal)

The answers of Rosana & Stewart and John W Stewart infants under the age of twenty one years by Mason P. Marsh their guardian to the Petition of John Withersom next friend of Rosana & Stewart and John W Stewart against them in the Circuit Court for Frederick County sitting as a Court of Equity exhibited. These Defendants cannot admit any of the matters and things alleged in the said Petition and being infants of tender years submit their rights to the protection of this Court

Mason P. Marsh

On this fifth day of September A D 1859 the above named Mason P. Marsh appeared before me Commissioner and made oath that the matters and things stated in the foregoing answers are true to the best of his knowledge and belief

Jos. W. L. Barty (Seal)

To the Honorable Madison Nelson Circuit Judge for the third Judicial Circuit of the state of Maryland —

We hereby certify that in execution of the powers vested in us by the annexed Commission and after the taking of the oath which is therein annexed to be taken by us we did go to view upon walk over and view the real estate in said Commission mentioned and valued the same at five thousand five hundred and fifteen dollars and fifty Cents and we are of opinion that it will be for the interest and advantage of the infants that the same be sold and our reasons for this opinion are that property in the hands of tenants as this property is deteriorates that such lands so tenanted cannot be kept up as lands in the hands of proprietors and under the charge of prudent owners that from the tender years of John W Stewart the only male heir the lands must be rented for some years to come that the interest on the purchase money would exceed the rent that the condition of the buildings will necessarily require repairs which will greatly diminish the annual income of said infant we also state that the said lands are subject to the incumbrance of the dower of the widow of John W Stewart who has consented to a sale of her interest therein receiving her due proportion of the purchase money that such proportion must be deducted from the valuation we have fixed upon the said lands the undersigned Commissioner with in advising and recommending a sale of the said lands and that the proceeds of sale should be invested in some other way