6th Int. State whether or not the real estate of which Said Jacob Iler died seized is susceptible of advantageous division among the Children & heirs at Law of Said Jacob Iler decd & whether it would or not be for the benefit of all the parties interested that Said real estate should be sold by a trustee & the proceeds distributed among the Said heirs at Law & tenants in Common according to their respective interests & You assuring for your opinion

G. Eichelberger
Sol for Complts —

Peter Iler & others
vs
Margaret Iler & others
} No 2942 In the Circuit Court for Frederick County sitting in Equity

To Hon. M. Nelson Judge of the Circuit Court for Frederick County sitting as a Court of Equity

The petition of Peter Iler Mary Iler David Fritz & Barbara Fritz his wife & William Iler shows that John Smith of M. was by mistake made a party defendant in the above Case that the Complaint Iler that petitioned for the benefit of the insolvent laws & for whom Said John Smith of M was appointed trustee was not a Son of Said Jacob Iler but of John Iler as will appear by the answer of Said John Smith of M and your petitioners therefore desire to dismiss Said bill as against Said John Smith of M & to examine him as a witness in Said Case

G. Eichelberger Sol for Petitioners

Ordered by the Court this 5th day of February 1861 that the Complainants have leave to examine John Smith of M as a witness in the above Case subject to all legal exceptions

M. Nelson

Testimony

At the execution of this Commission issued out of the Circuit Court for Frederick sitting as a Court of Equity to me directed and informing me to examine Witnesses in a cause pending in Said Court in which Cause Peter Iler et al are Complainants and Margaret Iler et al are defendants Said Cause being No 2942 on the Equity Docket of Said Court I Ulysses Hobbs the standing and duly qualified Commissioner of the Said Court did at the Law office of Gregory Eichelberger in the City of Frederick on Thursday the 7th day of February 1861 proceed to take following depositions to wit. John Smith of M a witness of lawful age produced on the part of the Complainants being duly sworn and examined to interrogatories filed with me by the Solicitor for Complainants therewith