

Fifth. Do you know the real property of which Henry D. Mercer died seized & possessed (being a farm & house & lot in Unionville) and is it the property described in the exhibits filed in this case. Sixth. Do you think said real property is susceptible of any equitable division or partition among the said heirs of the said Henry D. Mercer. Seventh. Do you think that it would be to the interest and advantage of all the parties interested the infants as well as the Complainants that said real property should be sold & the proceeds divided among the parties entitled to same if so give your reasons for so thinking.

John A. Lapsch Sol  
for Complt.

At the suggestion of the enclosed Commission issued out of the Circuit Court for Frederick's County sitting as a Court of Equity to one directed & empowering me to examine evidence in a cause pending in said Court between Henry A. Redwood & wife as Complainants & Sarah M. Mercer & others as defendants I Eragon Eichelberger the standing & duly qualified Commissioner therein named did proceed on Tuesday the 19th day of July 1859 at my law office in Frederick to take the following depositions. Greenbury B. Sappington a citizen of lawful age produced on the part of the Complainants being subpoenaed and examined to interrogatories filed with me by the Solicitor for the Complainants & herewith returned deposes & says:

In the first interrogatory I know all the parties the Complainants are adults & the defendants are all minors. In the 2<sup>d</sup> Interrogatory I did know Henry D. Mercer & Rachel B. Mercer Henry D. Mercer died in 1858 & Rachel B. Mercer in 1859. In the third interrogatory they left me other heirs than those named in this case. In the fourth interrogatory they all reside in this County but Cassius L. Mercer, who signs the filing of the bill in this case has intermarriage with Charles Leddicord and with her husband residing in Harvara County. In the 5th Interrogatory We do know the real property of which Henry D. Mercer died seized & possessed - it is the property described in exhibits A & B filed in this case. In the Sixth Interrogatory The said real estate is not susceptible of division among said heirs. In the Seventh Interrogatory I think it would be to the advantage of all parties interested that said real estate should be sold & the proceeds distributed among them as the land cannot be divided into so many parts without injuring & no tenant can pay a rent & improve the same. C. H. Doney a citizen of lawful age produced on the part of the Complainants being duly sworn & examined to said interrogatories deposes & says. In the 2<sup>d</sup> 3<sup>d</sup> 4<sup>th</sup> 5<sup>th</sup> 6<sup>th</sup> & 7<sup>th</sup>. In my answer to these interrogatories he refers to the answer of C. B. Sappington to said interrogatories. There being no further evidence