

Well or will it not be to the interest and advantage of the said infants, that the said real estate be sold, and the proceeds of sale invested for their benefit & if you, State fully the reasons for the opinion you entertain on this subject: ~

Filed Jan 8th 1872 ~

Wm. Ross
Chas. W. Ross
Sols^r for Petitioner

To Wm. B. Nelson & J. E. K. Wood Esqrs

Issue a Subpoena in this Cause for George Markell & Lewis Markell and John T. Prego Esqrs. to testify for Complainant, and return all Exhibits with Commission. ~

Ross

Testimony

At the execution of the annexed Commission, issued out of the Circuit Court for Frederick County, and to us directed, and empowering us to examine witnesses in the Cause therein depending, between Francis Markell, Guardian &c. as Complainant, and Catharine J. Prego and others as Defendants, the Commissioners therein named, did on the sixth day of January, eighteen hundred and seventy two at the Office of William B. Nelson, in Frederick, Md. proceed, then and there to take the following testimony, to wit:

The Complainant filed with the Commissioners, as evidence, Exhibits Nos. 1, 2 & 3, which are herewith returned by the said Commissioners. ~

George Markell, a witness of lawful age, produced on the part of the Complainant being duly sworn to interrogatories filed with the Commissioners by the Complainant, and herewith returned, deposes and says ~

To the 1st Sub. ~ That he is acquainted with all of the parties to this suit and has known them all for some time. ~

To the 2nd Sub. That he was acquainted with Jane L. Norris, formerly a resident of Frederick County Md. that she is dead, that she died in Frederick City, County aforesaid, during the summer of the year eighteen hundred and seventy one.

To the 3rd Sub. ~ That he is acquainted with Eleanor J. Prego, that she is married to John T. Prego, and has the following children, namely, Catharine J. Basil N. Eleanor J. and John T. Prego Jr. all infants under the age of twenty one years and all residing in Frederick County, Maryland. That all of said children were living at the time of the death of Jane L. Norris, except John T. Prego Jr. who was born since the death of said Jane L. Norris. ~

To the 4th Sub. ~ That he looks at Exhibits Nos. 1 & 2 now here shown him & that he is acquainted with the real estate therein described and mentioned; that it will be for the benefit of said infants, that a sale would be better than renting said real estate in its present condition; that to make the property yield a fair rent, it will be necessary to change it into two dwelling houses, which will cost about four thousand dollars, (\$4000) according to the estimates of house builders, and that said infants have not sufficient funds for the purpose. ~

Louis Markell, a witness of lawful age, produced on the part of the Complainant, being duly sworn and examined to interrogatories filed with the Commissioners by the Complainant and herewith returned, deposes & says. To the 1st Interrogatory ~ That he knows all the parties to this suit, and has known them for some time. ~

To the 2nd Sub. ~ That he was acquainted with Jane L. Norris formerly a resident of Frederick County, Maryland, that she is dead, that she died in Frederick County aforesaid, during the summer of the year eighteen

Dece