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I then and there became acquainted with his daughter Eliza Asbury McCannon afterwards married to said Frederick A Schley was frequently in her society and knew that she was always treated and addressed as their daughter by the said James McCannon and Ann his wife, and was always treated and recognized as such by every member of the family after whom I knew personally I was present at the Marriage of Mr and Mrs Schley which took place April 28th 1812 at the said residence of the said James McCannon and from that time to the death of Mrs Schley they lived together as man and wife, as family Physician I was present on the occasion of the birth of George Schley and of the birth of James McCannon Schley the children of the said Mr Schley by her said husband George was born in January 1813 and James in January 1815 and they were the only children of their Mother the said Mrs Schley Frederick A Schley their Father died in February 1858 I was very intimate with both of the aforesaid families and personally knew every, every member of each family. I am now in my 82nd year but retain very vivid recollections of all the aforesaid persons I subscribe in my own proper hand writing this 21st day of February 1865 at Frederick Md my residence

Jacob Rice M. D.

He then proved that the said James McCannon left at the time of his death surviving him eight children who were his heirs at law of whom Eliza A Schley the Mother of the lessors of the Plaintiff was one and thereupon the defendants to maintain the issue joined on their part read in evidence to the Jury the following transcript from the Record and proceedings in a cause in the late Court of Chancery of Maryland,

Susan McCockran George Y Dunbar and wife Geo Colegate & wife. Jos & Fred A. Schley & wife William McCannon James McCannon Ann McCannon and John McCannon,

Be it remembered that heretofore to Wit on the 5th day of July 1815 came Susan McCockran George Y Dunbar and wife George Colegate

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and Wife and Frederick A Schley in their proper persons and as solicitor for the other complainants into the State of Maryland Court of Chancery and exhibited therein their Bill of Complaint against William McCannon James McCannon Ann McCannon and John McCannon in the words following.

To the Honorable William Kelly Esquire Chancellor of Maryland The Petition of Susan McCockran George Y Dunbar and Frances his wife of the City of Baltimore and George Colegate and Mary his wife and Frederick A Schley and Eliza his wife of Frederick County humbly sheweth That a certain John McCannon late of Frederick County deceased some time in the Month of April 1815 died intestate That at the time of his death he was seized and possessed of considerable Real Estate consisting of a tract of Land containing about sixty hundred and forty acres of Land lying in Frederick County A small house and ten acres of ground lying near the City of Baltimore, a House and Lot of ground situated on St Paul Lane in the City of Baltimore a House and Lot of ground situated on Market Street in the City of Baltimore and and three or four small houses situated on Rogers Alley in the City of Baltimore That the said James McCannon at the time of his death left eight children to wit Susan who intermarried with a certain William G. Cockran who is since dead Frances who intermarried with George Y Dunbar Mary who intermarried with George Colegate Eliza who intermarried with Frederick A Schley William McCannon James McCannon Ann McCannon and John McCannon That William James Ann and John are infants under the age of twenty one years that it will be for the interest and benefit of all the parties concerned that all the Real property of the said James McCannon except the House and Lot on Market Street in the City of Baltimore before mentioned shall be sold at public sale to the highest bidder Your Petitioners therefore pray your Honor to decree a sale of the property aforesaid with the exceptions aforesaid