

of the Execution of the Commission, before you execute the same, and having reduced the depositions of the witness, so taken by you, into writing, you send the same, with this Commission, close under your hand and seal, unto the Court as a Court of Equity, with all convenient speed.

Witness the Hon. Madison Nelson, Judge of our said Court, 14th day of October Anno Domini 1864. Given the 26th day of October 1864.

Lynch

Jr. W. L. Carty Clerk

Commissioner's Oath

You shall, according to the best of your skill and knowledge, truly, faithfully, and without partiality to any or either of the parties, take the Examinations and depositions of all and every witness and witnesses produced and Examined by virtue of the Commission hereto annexed, upon the interrogatories now, or which may hereafter, before the said Commission is shown, be produced to and left with you, by either of said parties.

To help you God.

Clerk's Oath

You shall truly, faithfully, and without partiality to any or either of the parties in this cause, take, write down and transcribe, the depositions of all and every the witness and witnesses produced and Examined by the Commissioner named in the Commission hereto annexed, as far forth as you are directed and Employed by the said Commissioner to take, write down, and transcribe the said depositions, or any of them.

To help you God.

William Heller & others

No 3152 Equity.

Interrogatories

Annand C. Heller & others

In the Circuit Court for Frederick County as a Court of Equity, October Term 1864.

Interrogatories to be propounded to the witnesses produced on the part of the Complainants.

- 1st Do you know the parties Complainants and defendants, to this cause, if so, state who among them are over age, and who are under age, and where they reside?
- 2nd Is David Heller dead, if so, when did he die?
- 3rd Do you know the real property of which said David Heller died seized and possessed if so, is it the property mentioned in the Bill and Exhibits A, B, C, D, E, & filed with this cause?
- 4th Can said real property be divided among the parties entitled to it without great injury and loss to them all?
- 5th Do you believe it would be to the interest and advantage of all the parties concerned, the infants as well as the other parties, that said land should be sold under the process of sale, divided among the parties interested, if so, state your reasons fully?
- 6th State how many children said David Heller left at his death, and how many children of his, have died leaving children and their names and ages, and when they died?
- 7th When did John Heller (son of David Heller) die, and how many children did he leave and their names and ages?
- 8th When did Jonathan Heller (son of David Heller) die, and how many children did he leave and their names and ages?
- 9th Did said David Heller leave a widow? if so, is she living, and her name and age?

John A. Lynch

Att. for Complainants

Testimony

At the Execution of the annexed Commission issued out of the Circuit Court for Frederick County and to me directed and empowering me to examine Witnesses in the cause depending in the said Court, between William Heller and wife Et al as Complainants, and Annand C. Heller Et al, as defendants, I, William B. Nelson, Commissioner therein named, did on the 27th day of