

October Eighteen hundred and sixty four, at my Office in Frederick City, Maryland, proceed to take the following Evidences, namely, > The Complainants filed with the Commissioner as evidences A: B: C: D: and E: which are herewith returned by the Commissioner, and there being no witnesses present to be Examined and the Complainants requiring further time for the production of their Evidences, the Commissioner adjourned the said Commission to the second day of November Eighteen hundred and sixty four, at which time and at my Office aforesaid I proceeded to take the following depositions, to-wit:

Amos Douth, a witness of lawful age, produced on the part of the Complainants, being duly sworn and Examined to interrogatories filed with the Commissioner by the Complainants and herewith returned, deposes and says, >

In the 1st - That he is acquainted with all the parties to this suit - that they are all adults except the defendants who are infants under the age of twenty one years and the said parties all reside in Frederick County Md. >

In the 2nd That David Heller is dead - that he died about one year ago. >

In the 3rd That he knows the property of which said David Heller died seized and possessed, that it is the same as is described in the Bill and Exhibits A: B: C: D: and E: filed in this case, >

In the 4th That in his opinion said real estate is not susceptible of division and could not be divided without great loss and injury to all parties. >

In the 5th That it would be to the interest and advantage of all parties concerned, that said land should be sold and the proceeds of sale be divided amongst the parties interested that it will be necessary to divide the real Estate into many portions and such portions should be unfit for advantageous use or cultivation - that a portion of said real Estate consists of houses and lots which it would be impracticable to divide. >

In the 6th That David Heller left four sons, namely, William, Henry, Isaac and Daniel Heller and five daughters, namely, Mary, Elizabeth, Lydia, Catharine and Malinda Heller, John Heller a son of David Heller dead many years ago and before his father, leaving two Children namely, Sarah and another daughter since deceased, whose name deponent does not know, that all the parties named in this interrogatory are adults above twenty one years of age, also a son Jonathan Heller, who died about two years ago, leaving four Children, namely, Thomas C. Amanda C. Mary J. and Charlotte R. Heller, all infants under twenty one years of age except Thomas C. Heller who is an adult above the age of twenty one years. >

In the 7th That this interrogatory is answered in the 6th sub. >

In the 8th That this interrogatory is answered in the 6th sub. >

In the 9th That David Heller left a widow who is still living that her name is Anna Heller, and that she is aged from sixty five to seventy years. >

Samuel Dev, a witness of lawful age produced on the part of the Complainants, being duly sworn and Examined to interrogatories filed with the Commissioner by the Complainants and herewith returned, deposes and says, >

In the 1st - That he knows all the parties to this suit and that they are all adults, except Amanda C. Heller, Mary J. Heller and Charlotte R. Heller and that they all reside in Frederick County Maryland. >

In the 2nd That David Heller is dead - that he died over two years since. >

In the 3rd That he knows the real estate of which said David Heller died seized & possessed that it is the same as is described in Exhibits A: B: C: D: and E: now shown him - that he does not know anything about the land described in Exhibit 'D'. >

In the 4th That said real estate cannot be divided among the parties interested without injury and loss to all the parties. > In the 5th That it would be to the interest and advantage

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