them are over age and who under age. — 2nd. Is Hannah Heller, the widow of David Heller dead, if so, when did she die? and who did she leave as her Children and heirs at law. — 3d. Do you know the house and lot in Middletown, and the pasture lots near Middletown, bought by said Hannah Heller from William and Henry Heller Trustees, if so, state whether this was the real property left by said Hannah at the time of her death. —

4th. Can said real estate be divided off among the parties interested without disadvantage and injury to them. — 5th Would it be to the interest and advantage of all the parties, to have said real estate sold, and the net proceeds divided among all the parties interested, according to their respective interests, if so, state your reasons.

6th. Did Hannah Heller pay before her death, or has any one since paid the whole of the purchase money for said real estate, if not, how much has been paid and how much remains unpaid. —

John A. Lynch
Solicitor for Complainants

Testimony

At the Execution of the annexed Commission issued out of the Orphans 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 others as Complainants and Charlotte R. Heller as defendants, I, William P. Nelson Commissioner therein named, did, on the 8th day of January Eighteen hundred and sixty six, at my Office in Frederick, Maryland proceed to take the following testimony, to wit: — The Complainants filed with the Commissioner as evidence Exhibit A which is filed and herewith returned; and there being no witnesses present to be examined, the said Commission was adjourned to the Eleventh day of January Eighteen hundred and sixty six, at which time and at my Office aforesaid, I proceeded to take the following depositions, to wit:

Eli Routzahn, 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. —

Secretary

To the first Int. — That he knows all of the parties to this suit, that they all reside in Frederick County and are all adults, except Charlotte R. Heller, who is an infant under the age of twenty one years. — To the second Int. — That Hannah Heller, widow of David Heller is dead; that she died during last July leaving the following children, namely, William, Henry, Daniel & Isaac Heller, Mary, married to Eli Routzahn, Catharine, married to Lawson Alexander, Lydia and Malinda and Elizabeth Heller and the following Grandchildren, namely, Sarah, Thomas C. and Amanda C. Heller, Mary J. married to Washington Burr, and Charlotte R. Heller. —

To the 3d Int. — That he knows the real estate referred to in this interrogatory; that it is that of which the said Hannah Heller died seized and possessed and is described in Exhibit A now shown him. — To the fourth Int. — That said real estate cannot be divided amongst the parties interested, as it consists of a House and lot and a pasture lot and a division thereof is impracticable. —

To the 5th Int. — That it would be to the advantage of all the parties in interest that said real estate should be sold and the proceeds distributed amongst the parties according to their respective portions for the reasons given in the foregoing interrogatory and because there would be so many portions if divided that it would be necessary to cut up the lot into very small parcels which would be useless and of no value. — To the 6th Int. — Claimed as to this deponent. —

Henry Heller, 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. —

The 1st, 2d, 3d, 4th and 5th Interrogatories being waived as to him. — To the 6th Int. — That Hannah Heller paid before her death one half of the purchase money for the real estate described in Exhibit A and that there is still due on said purchase about the sum of Eight hundred dollars.

Isaac Doub, 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. — To the first Int. — That he knows all the parties