

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

4<sup>th</sup> Can said real estate be divided off among the parties interested without disadvantage and injury to them. ~ 5<sup>th</sup> 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.

6<sup>th</sup> Did Hannah Keller 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 Circuit Court for Frederick County and to me directed and empowering me to examine evidences in the case depending in the said Court, between William Keller and others as complainants and Charlotte R. Keller as defendants, J. William S. Nelson Commissioner therein named, did, on the 5<sup>th</sup> 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 Rutzaler, 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 of the parties to this suit, that they all reside in Frederick County and are all adults, except Charlotte R. Keller, who is an infant under the age of twenty one years. ~ To the second Int: ~ That Hannah Keller, widow of David Keller is dead; that she died during last July leaving the following children, namely, William, Henry, Daniel & James Keller, Mary, married to Eli Rutzaler, Catharine, married to Lawson Alexander, Lydia and Malinda and Elizabeth Keller and the following Grandchildren, namely, Leah, Thomas G. and Amanda C. Keller, Mary J. married to Washington Green, and Charlotte R. Keller. ~

To the 3<sup>rd</sup> Int: ~ That he knows the real estate referred to in this interrogatory, that it is that of which the said Hannah Keller died, seised 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 5<sup>th</sup> 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 6<sup>th</sup> Int: ~ Claimed as follows deponent. ~

Henry Keller, 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 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> Interrogatories being examined as to him. ~ To the 6<sup>th</sup> Int: ~ That Hannah Keller 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.

Sam South, 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

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