Testimony

At the Execution of the within Commission issued out of the Circuit Court for Frederick County as a Court of Equity and to Francis Brengle and John E R Wood directed, and empowering us or either of us to examine Evidences in the cause depending in said Court between Edward Howard as Complainant, and Annie E Howard & others as Defendants I Francis Brengle one of the Commissioners therein named having met on the thirty first day of December in the year Eighteen hundred and sixty nine, at my office in Frederick City, did proceed then and there in the presence of the Solicitor for the Complainant, to take the following depositions to wit:

Henry Keller a witness of lawful age produced on the part of the Complainant being duly summoned and examined to interrogatories filed with the Commissioner by the Solicitor for the Complainant, and Therewith returned deposes and says.~

The first interrogatory waived as to this witness

To the 2nd Int: ~ I am acquainted with the parties to this cause. The Complainant is over twenty one years of age, and so are Joanna Howard the widow of Charles E Howard, and Henry M Nipdorf, All the other parties are infants.~

To the 3rd Int: ~ I know the said real estate, that portion of it purchased from Mahlon Rhoderick It is situated in Frederick County, It contains about Thirty Eight and a half acres of land, and is in a good state of Cultivation ~ It ought to be worth about Seventy or Seventy five dollars per acre — I don't know the Mountain lot except from report ~

To the 4th Int: ~ I don't think it susceptible of division between the parties interested, I think it would be greatly to the interest and advantage of all persons concerned, to have it sold. If it was rented out, it would rapidly depreciate in value. ~

To the 5th Int: I know of nothing else as to this witness. ~

6th & 7th Int: Waived ~

Mahlon Rhoderick, a witness of lawful age, produced on the part of the Complainant, being duly sworn and examined to interrogatories filed with the Commissioner by the Solicitor of the Complainant, and Therewith Returned, deposes and says. ~

1st Int: waived as to this witness. ~

To the 2nd Int: ~ I know the parties to this suit — The Complainant is of full age, and so are Mrs. Joanna Howard, and Henry M Nipdorf. All the other defendants are infants under twenty one years of age ~

To the 3rd Int: ~ I know the said Real Estate, at least that portion of it which I sold to Charles E Howard. It is situated in Frederick County, Contains about Thirty Eight acres and a half of land, and is in an excellent state of cultivation. I consider it worth about Seventy dollars per acre. I don't know the Mountain Lot spoken of in the proceedings. ~

To the 4th Int: ~ I don't think it is susceptible of division, it is now in a fine state or condition, and in a few years if rented out, it might be in a very bad condition, I think it certainly would be to the interest and advantage of all parties interested, that it should be sold. ~

To the 5th Int: I know of nothing else.

The Sixth and Seventh interrogatories, waived as to this witness

Henry M Nipdorf a witness of lawful age, produced on the part of the Complainant being duly sworn and examined to interrogatories filed with the Commissioner by the Solicitor of the Complainant and therewith returned deposes and says.~

The 1st Interrogatory waived as to this witness ~

I know the Mountain Lot mentioned in the proceedings, It is about a mile above Shookstown in Frederick County. There are about ten or Eleven acres of it