

2nd Sub. - Did you ^{know} John Heller in his lifetime? Is he at present living? If dead, when did he die and did he die intestate leaving heirs? Give the names of his heirs, also their ages and residences.

3rd Sub. - Did the said John Heller die seized and possessed of any real estate? If yes, state where it is located. Look at Exhibits "A" & "B" and filed as such in this Bill of Complaint, and state whether the real estate described therein is that of which the said John Heller died seized and possessed?

4th Sub. - Is the real estate described in Exhibits "A" & "B" susceptible of division among the heirs of the said John Heller, without loss or injury? Would it be to the advantage and interest of all parties both adults and infants to have the same sold and the proceeds of said sale distributed among them? If yes, give your reasons for such an opinion.

John C. Motter

Sol. for Complainant

Testimony

To the 1st Sub. - That he knows all the parties to this suit.

To the 2nd Sub. - That he knew John Heller; that he is dead, and that he died in Frederick County, Md. during last July, and that he died intestate, leaving a widow named Mary A. Heller, and the following children, namely; David C. John C. Rowen S. and Perry W. Heller, adults; and George H. S. Mary Alice, Amanda A. and Silas Heller, infants under the age of twenty one years; all residing in Frederick County Maryland.

To the 3rd Sub. - That he died seized and possessed of real estate situate in Frederick County Maryland; That he looks at Exhibits "A" & "B", now here shown him and that the property therein described is the real estate of which the said John Heller died seized and possessed.

To the 4th Sub. - That said real estate is not susceptible of division among the heirs, without loss and injury, and that it will be for the benefit and advantage of all the parties concerned, infants as well as adults, that the same shall be sold and the proceeds thereof distributed among the parties entitled, for the reason that the said property consists of very poor mountainous land, and if divided, will not be susceptible of advantageous cultivation or sale.

Charles A. Eyles, a witness of lawful age, produced upon the part of the Complainant, being duly sworn and examined to Interrogatories filed with the Commissioners by the Complainant, and therewith returned, deposes and says.

To the 1st Sub. - That he knows all the parties to this suit.

To the 2nd Sub. - That he knows John Heller, late of Frederick County, decd. that he died in said County during last July, intestate, leaving a widow named Mary A. and the following children, to wit; David C. John C. Rowen S. and Perry W. Heller, adults and George H. S. Mary A. Amanda A. and Silas Heller, infants under twenty one years of age, and all residing in Frederick County Maryland.

To the 3rd Sub. - That said John Heller died seized and possessed of real estate situate in Frederick County, Md., that he looks at Exhibits "A" & "B" now here shown him, and that the real estate therein described is the same of which the said John Heller died seized and possessed.

To the 4th Sub. - That the said real estate is not susceptible of advantageous division amongst the parties interested, and that it would be to the advantage and benefit of all parties, infants as well as adults, that said real estate should be sold, and the proceeds distributed among the parties entitled that if divided, the parcels will be unfit for, and a favorable cultivation and

Decree