Testimony. "Error Loci". See Over ⊙

At the execution of the annexed Commission, issued out of the Circuit Court for Frederick County, and to us directed, and empowering us to examine Evidences in the Cause therein depending, between John Stottlemyer & as Complainants, and Jacob Rideenour and others, as defendants. We William B. Nelson and John E. R. Wood Commissioners therein named did, on the Eleventh day of November, Eighteen Hundred and Seventy two, at the Office of William B. Nelson Esqr, in Frederick City Maryland, then and there proceed to take the following depositions and testimony, to wit:—

The Complainants filed with the Commissioners as Evidence Exhibits No. 1. 2 & 3 which are herewith returned by the said Commissioners, and there being no witnesses present to be examined, and further time being required for the production of Evidences, the said Commission was adjourned to the Eighteenth day of November, Eighteen Hundred and Seventy two, at which time at the place aforesaid, We then and there proceeded to take the following depositions, to wit:—

Joseph Stottlemyer of D, a witness of lawful age, produced upon the part of the Complainants, being duly sworn and examined to interrogatories filed with the Commissioners by the Complainants and herewith returned, deposes and says.—

To the 1st Int: That he knows all the parties to this suit, except the Children of Mahala Clevidence, and has known them all for many years.—

To the 2nd Int: He did, That they lived in Frederick County, Maryland, that they are both dead; that George Stottlemyer died in October, Eighteen Hundred and Seventy One and that Susan Stottlemyer died during the last Summer; that — left the following children, namely; Mahala, George, John, Margaret, Hesiah and Susan, that there are no other children, and none have died leaving children that he knows of. That Mahala's children are unknown to deponent and that George, left two children Samuel and Hiram, that the children of Mahala reside in the State of Ohio and that George's children reside in Frederick County Maryland.—

To the 3rd Int That he did — that she married George Clevidence and resided in the State of Ohio; that she is dead, that her children reside in the State of Ohio, but their names and ages are unknown to this deponent —

To the 4th Int. Mahala Clevidence, would be about fifty six years of age if she was living, has been dead about twelve years and resided in Ohio at the time of her death, and was married to George Clevidence, and left children unknown to this deponent, That George Stottlemyer was was thirty six years of age and has been dead about twenty years, that he resided in Frederick County, Maryland, at the time of his death and left Samuel and Hiram, children surviving him; Samuel about twenty four years of age and Hiram about twenty two years of age, who both reside in Frederick County Maryland, Margaret, married to Henry Rideenour, about fifty years of age, and residing in the State of Pennsylvania; Hesiah, Married to Jacob Rideenour about forty or forty-one years of age, and residing in Frederick County, Maryland and Susan Stottlemyer, aged about 37 years and residing in Frederick County Maryland and John Stottlemyer, aged about fifty four years and residing in Frederick County Maryland.—

To the 5th Int. That he knows the real Estate of which the said George and his wife Susan died possessed; that it is situated in Frederick County Maryland, that it contains about twenty acres of land, in the "Home Lot" and about two and a quarter acres of land in another lot That he looks at the papers now here shown him marked "Exhibit No 2" and "Exhibit No 3", and that they properly describe the lands referred to by deponent in the Answer of deponent to the previous part of this interrogatory.—

To the 6th Int — That said lands cannot be divided without loss and injury to the