

Motter } N<sup>o</sup>. 2581. Equity. At the execution of the annexed Commission, issued out of  
 " } the Circuit for Frederick County, sitting as a Court of Equity, and to me directed  
 Motter } and empowering me to examine evidences in the cause depending in said  
 Court - between John C. & Edw<sup>d</sup>. S. Motter - Complainants, and Mary A. V. George R.  
 Motter & others Defendants. I proceeded on the seventh day of October 1854. pursuant  
 to previous Notice given to said parties, to the Office of Bradley, J. Johnson Esq. & did  
 then and there proceed in presence of Bradley, J. Johnson Solicitor for Complainants &  
 John S. Motter guardian for Defendant, to take the following depositions, to wit:

a witness of lawful age, produced by Complainant duly sworn & examined  
 on Interrogatories filed with me by Complainant and herewith returned deposes and  
 says 1<sup>st</sup> Int<sup>y</sup> He did know Mary Ann Motter she died in June 1854.

2<sup>d</sup> Int. she died seized, and possessed of a House, and Lot, in Patrick Street, Maryland  
 left her, by her mother Rebecca Smith.

3<sup>d</sup> Int<sup>y</sup>. she left seven Children - John C. & Edw<sup>d</sup>. S. Motter one of full age.

Mary A. V. George R. Mary A. Joseph E. and Cecilia A. Motter and Infants.

John S. Motter was her husband, and he is living - There being no other witnesses to  
 be examined - I closed said Commission this 7<sup>th</sup> day of October, 1854.

Jud<sup>g</sup>. Nelson. 

Motter } N<sup>o</sup>. 2581 Equity. In Circuit Court, for Frederick County, sitting in Equity  
 " } Order by the Court this 9<sup>th</sup> day of October 1854. that a Commission  
 Motter } issue to five discreet, sensible men, viz. John S. Motter, George Smith,  
 J. S. Smith, Christian Smith, and William H. Smith, to divide the Real Estate in these  
 proceedings mentioned & is capable of division, and if not, then to value the same  
 and is further ordered - that said Commissioners return such division & partition  
 as they may make, or if they determine that such cannot be made, then their  
 reasons for such determination, and the valuation they may set on such  
 property to this Court, first giving thirty days notice by advertisement set up  
 at the Court House door of Frederick County Maryland, & such other public places  
 as they may direct of the time and place at which they will proceed to execute said  
 Commission  
 W. Nelson.

Thereupon the following Commission was issued.

The State of Maryland, to John S. Motter George Smith John S. Smith, Christian  
 Smith, and William H. Smith of Frederick County, Gentlemen Greeting:

Know ye that we have in pursuance to an order of the Circuit Court for  
 Frederick County, sitting as a Court of Equity, passed on the 9<sup>th</sup> day of  
 October 1854 in a cause therein between John C. Motter & another Complainants  
 and Mary A. V. Motter & others, Defendants, fully authorized, and empowered you, or  
 a majority of you, to proceed to a certain House, and Lot, heretofore devised to Mary Ann  
 Motter, late of Frederick County dec. by the last will, and Testament of Rebecca Smith  
 being the House & Lot in the proceedings - mentioned in said Cause, Situate in  
 Patrick Street, Frederick Town Maryland - and to enter into, and examine the said  
 House, and Lot, and if they be susceptible of partition, to divide the same into seven  
 equal parts having regard to the quantity, and quality, and value, and that  
 you make out, or cause to be made out a plot & Certificate of said Land, and  
 of the exact division thereof, with the Beginning & Courses, & an accurate  
 description of the whole of said premises, and of the part thereof to each Tenant  
 in Common, as may be allotted to them, but if you find, upon examination  
 and survey as aforesaid - that said Land, and premises is not susceptible of  
 advantageous division as aforesaid, then you will return to this Court the reasons  
 on which you found such determinations, with a correct valuation of said