

If yes, how long did you know him, where did he reside, and is he alive or dead? If dead when and where did he die? 3<sup>rd</sup> Sub. Do you or not know whether said Elias ever married? If yes, state the name of his wife, and whether she survives said Elias and is still living. 4<sup>th</sup> Sub. Did said Elias ever leave or not any children surviving at the time of his death? If he ever had any children, state when and whom; and if dead whether with or without issue. 5<sup>th</sup> Sub. Do you know the parents of said Elias? If yes, are they alive or dead? If dead, did they die before or after the said Elias? 6<sup>th</sup> Sub. Do you know whether or not said Elias had any brothers and sisters? If yes name them, and if married, state to whom married, and whether alive or dead, and if dead, state whether they died before or since said Elias, and whether they left any lawful issue, and if yes, state who they are. 7<sup>th</sup> Sub. Do you know whether or not the said Elias died intestate? If yes, state 8<sup>th</sup> Sub. Do you know whether or not the said Elias died seized and possessed of any lands? If yes, are you acquainted with them? And if so, state where situate, about what quantity, and of what description. 9<sup>th</sup> Sub. State whether the property described in said Bill and the accompanying Exhibits (show them) as the lands of which said Elias died seized and possessed, are such. 10<sup>th</sup> Sub. State whether or not in your judgment said lands are capable of beneficial partition among the parties to this suit, and can be divided without loss and injury to them? If yes, state whether in your opinion it would be to the interest and advantage of all the parties, infants as well as adults, to have the same sold, and the proceeds divided among them; and if yes, give the reasons for your opinion. 11<sup>th</sup> Sub. Do you know anything further of importance to the parties to this cause? If yes, state it.

Filed February 9<sup>th</sup> 1867.

John Ritchie, 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 witnesses in the cause depending in the said Court, between Peter C. Neuf and others as Complainants, and Arianna and Jerome Cutts as Defendants; I William B. Nelson Commissioner therein named, did on the Fourth day of February A.D. 1867 at my Office in Frederick City, Md. then and there proceed to take the testimony as follows: The Complainants filed with the Commissioner as evidence, Exhibits A, B, C, D, E, F, G, H, I, K, and L, herewith returned; and there being no witnesses present to be examined the said Commission was adjourned to the 9<sup>th</sup> day of February A.D. 1867. at which time and at the place aforesaid, I then and there in the presence of the Complainant's Solicitor, proceeded to take the following depositions, to wit: Samuel Wolfe 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 Complainant and herewith returned, deposes and says. To the 1<sup>st</sup> Sub: That he is acquainted with all of the parties to this suit, and that he has known them all for some years; that they all reside in Frederick County Md., and are all adults, except Arianna and Jerome Cutts who are infants under the age of twenty one years. To the 2<sup>nd</sup> Sub. That he knew Elias Grove, mentioned in the Bill of Complaint in this case, that he has known said Grove for thirty five or forty years, that he resided in Frederick County Md. and that he died in said County about the month of November, Eighteen hundred and sixty six. To the 3<sup>rd</sup> Sub. That said Elias was married and left a widow named Mary still living. To the 4<sup>th</sup> Sub. That said Elias left no children living at the time of his death; that he had a child about thirty years since, who died aged about two years. To the 5<sup>th</sup> Sub. That he knew the parents of the said Elias; that they are dead, and that they died before the said Elias. To the 6<sup>th</sup> Sub. That said Elias