

At the execution of the within 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 J Hampton Taylor as Complainant, and Mary Kelly and others, as Defendants, We, William B Nelson and John C R. Hood, Commissioners therein named, did on the fourteenth day of October, Eighteen Hundred and Seventy-two, at the Office of William B Nelson Esquire, in Frederick City, Maryland, then and there, proceed to take the following testimony, to wit:

The Complainant filed with the Commissioners as evidence "Exhibits Nos. 1 2 & 3" which are herewith returned by 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 Twenty second day of October Eighteen Hundred and Seventy-two, at which time, and at the place aforesaid, We proceeded, then and there, to take the following depositions, to wit.

John R Taylor, 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 herewith returned, deposes and says, to the 1st Int. - That he knows all the parties to this cause, that their names are as follows J Hampton Taylor, Mary Kelly, Frances Kelly, Catharine Kelly, Anna Kelly, Lewis Kelly and Regina Kelly, all residing in Frederick County, Maryland, Henry M Smuck, residing in Pennsylvania, Paul Flynn and Emma R Flynn his wife and William Kelly, residing in Jonesville, Clearfield County, Pennsylvania, all adults, except William Kelly, Lewis Kelly, and Regina Kelly, who are infants under the age of twenty one years.

2nd Int. - That he was acquainted with Patrick Kelly, that he is dead, and that he died in Frederick County, Maryland, during last February, leaving a widow named Mary J Kelly, and the following children, namely, Emma R. married to Paul Flynn, Frances, Catharine, Anna, Lewis, and Regina Kelly and William Kelly, all adults, except William, Lewis, and Regina Kelly, who are infants under the age of twenty one years, and all residing in Frederick County Maryland, except William Kelly and Emma R Flynn, who reside in the State of Pennsylvania. -

3rd Int. sworn as to this deponent.

4th Int. That he has seen J Hampton Taylor and Patrick Kelly write, and is acquainted with their hand writing. That he looks at "Exhibit No 2" now here shown him, and that the names thereto attached are in the respective handwriting of said J Hampton Taylor and Patrick Kelly.

5th Int. That he knows the lands described in "Exhibit No 2" that they are situated in the Town of Emmittsburg, Frederick County, Md and consist of two half lots and one whole lot, as laid out on the Map of said town - That they front on the main Street, one hundred and sixteen feet seven inches (116 ft 7 in) and have a depth of one hundred feet (100 feet). That he looks at "Exhibit No 1" now here shown him, and that the lands therein described are the same as described in ("Exhibit No 2"). -

6th Int. That he did - that he took possession of the lands described in "Exhibit No 2", in April Eighteen Hundred and Seventy one, and remained in possession thereof until his death. That his Widow Mary J Kelly is now in possession and that said Patrick Kelly improved the said lands, by building a Brick Store House thereon and furnished a store thereon, with counters and other proper and necessary fixtures and furniture. -

7th Int. That said Patrick Kelly never paid said purchase money, nor any part thereof. -