

where did she die? ~  
 3<sup>rd</sup> Did or did not the said Sophia Simmons leave children, and children of a deceased son? If yes, state how many, their names, ages and present places of residence? If any one married, to whom? state fully all your knowledge <sup>fully</sup> therein?  
 4<sup>th</sup> Were you or not acquainted with the real estate - whereof said Sophia Simmons died seized and possessed? If yes, look at the paper now shown you marked Exhibit A. Has or was not the said Sophia seized and possessed of the property therein described at the time of her death? If yes, state fully all your knowledge herein?  
 5<sup>th</sup> Can or cannot the said real estate whereof said Sophia Simmons died seized and possessed, be divided amongst the parties interested without loss or injury to them? If no, state fully your Opinions - Why you say said property cannot be divided without loss or injury to the parties interested.

Wm. Ross  
 Chas. W. Ross  
 Sol<sup>rs</sup> for Complainants

Filed October 28<sup>th</sup> 1871 ~

Testimony

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 Charles Simmons and others, as Complainants, and Clara A. Simmons and others as Defendants; We, William B. Nelson and John B. R. Wood, Commissioners, therein named, did, on the Twenty Eighth day of October A. D. 1871, at the Office of William B. Nelson, in Frederick City, Maryland, proceed then and there to take the following testimony, to wit:

The Complainants filed with the Commissioners, as evidence, Exhibits "A" & "B" which are herewith returned by Commissioners

And there being no Witnesses present to be examined, the Commissioners adjourned the said Commission to the third day of November A. D. 1871, at which time and at the place aforesaid, the said Commissioners then and there, proceeded to take the following depositions, to wit:

Thomas Gorewack, 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 & says ~  
 To the 1<sup>st</sup> Int. That he is acquainted with all the parties to this suit, except Clara A., John B., Richard H. and Mary Simmons Defendants in this case and that he has known them all for some years. ~

To the 2<sup>nd</sup> Int. That he was acquainted with Sophia Simmons formerly of Frederick County; that she is dead, and that she died in Frederick County Maryland, in the Month of July Eighteen Hundred and Seventy One ~

To the 3<sup>rd</sup> Int. That said Sophia Simmons left children, and children of a deceased child, to wit Charles S. Rezin E. Thomas W. and James C. Simmons; Ann Sophia, married to George W. Pile, Mary B. married to John D. Northington and Serena Hammond, widow of Olivia Hammond deceased; and Clara A., John B., Richard H. and Mary Simmons, infant children of Richard C. Simmons, dec<sup>d</sup>. - That they all reside in the State of Maryland, except James C. Simmons who resides in the State of Virginia.

To the 4<sup>th</sup> Int. That he is acquainted with the real estate of which the said Sophia Simmons died seized and possessed; that he looks at Exhibit "A" now here shown him and that the property therein described, is the same of which the said Sophia Simmons died seized and possessed. ~

To the 5<sup>th</sup> Int. That no real estate is out susceptible of an advantageous

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