

6th Look at Exhibit No 4, No 5, No 6, No 7, No 8, and No 9 now shown you who are the grantors and grantees in said deed, and what lands are therein conveyed State all your knowledge herein

7th Interrogatory Look at Exhibit No 10, now shown you, who are the grantors and grantees therein named, and the lands thereby intended to be conveyed State all your knowledge herein

8th You say you know the lands described in Exhibit No 1 and No 3 where are such lands situate, to whom do the same lands belong, can the said lands be divided without loss or injury to the parties concerned and will or will not the interests of all parties infants as well as adults be promoted by a sale of the same and division of the proceeds of sale according to their respective interests, if the same cannot be divided without loss or injury to the parties interested or concerned therein State fully your reasons for such opinion

9th Special interrogatory to Benedict Boone Are you the person named as grantee in Exhibit No 1, and as grantor in Exhibit No 3. If yes what land conveyed to you by Exhibit No 1, remain unsold at the death of Brian Philpot, Senior, and what lands were conveyed by you in Exhibit No 3, and to whom State fully all your knowledge herein. Lastly Do you know or have you heard of any other matter or things that would tend to the benefit of the Complainant in this cause if you state all your knowledge herein

Filed

Wm J. Rose,

Chas W. Rose

Solicitors for Complainants

At the execution of the annexed commission issued out of the Circuit Court for Frederick County sitting as a Court of Equity and to us directed and empowering us examine evidences in the cause depending in the said Court between Brian Philpot et al as Complainants and George Philpot et al as defendants. We Francis Bengle, and J. C. Wood, Commissioners therein named, having met at our office in Frederick City, on the 6th day of March A.D. 1871, pursuant to previous notice thereof given to the said parties, did proceed then and there in the presence of the Complainant to take the following evidences the Complainant filed with the Commissioners as evidence Exhibits Nos 1, 2, 3, 4, 5, 6, 7, 8, 9, 10. The Commissioners then proceeded to take the following depositions to wit

Benedict Boone a witness of lawful age, produced on 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 1st Int That he knows all the parties and has known them many years

To 2<sup>d</sup> Int That he knew Brian Philpot, Senior, and James Philpot his wife Brian Philpot Senior, was in possession of the lands described in Exhibit No 1 at the time of his death

To 3<sup>d</sup> Int That Brian Philpot, Sr, is dead, he died in Frederick County about the year A.D. 1848, he died intestate leaving children as follows Brian Philpot and Adeline Philpot his wife, aged about fifty years resides in the State of Illinois John Philpot aged about forty years resides in Frederick County Ann W. Philpot aged about twenty-five years resides in Frederick County Elizabeth Philpot aged about forty years, named to