Bill

No 4063 Equity.

To the Honorable the Judges of the Circuit Court for Frederick County, sitting as a Court of Equity.

The Bill of Complaint of John P Gallion and Harriet Gallion his wife Administrators of the Goods Chattels rights and Estate of Robert W Phelps late of Frederick County decd. and who file this bill as well for themselves as all other creditors said Robert W Phelps who may come in and contribute to the expenses of this suit, Thomas W Leese and Olivia J Leese his wife and the said John P Gallion and Harriet Gallion his wife in their undivided rights respectfully shows unto your Honors that said Robert W Phelps late of Frederick County died intestate sometime in the month of November 1872 seized and possessed of the Real Estate hereinbefore more particularly described and your Complainants John P Gallion and Harriet Gallion his wife were appointed by the Orphans Court of Frederick County Administrators of the Personal Estate of said Robt W Phelps as will appear by the exemplification of the letters of Administration herewith filed marked Exhibit No 1 and which with all other Exhibits herewith filed is prayed to be taken as part of this bill of Complaint as fully as if hereinserted in words and figures that your Complainants as Administrators of said Estate have entered upon the Administration of the same and have settled their first account and it now clearly appears that said personal estate is insolvent and insufficient to pay the debts of said Robert W Phelps and that it will be necessary to sell the Real Estate of said Robert W Phelps to pay his debts, that your Complainants Jno P Gallion and Harriet Gallion Admrs as aforesaid have thus far overpaid said personal Estate to the amount of One hundred and thirty five & 97/100 dollars as will appear by the account filed herewith marked Exhibit No 2 and they are advised they are entitled to have said Real Estate sold or so much thereof as may be necessary to pay the debts of said Robt W Phelps, That said Robert W Phelps died seized and possessed of the following Real Estate Viz. One tract of Land containing two Acres and four perches more or less situated in New Market District in Frederick County and described in a Deed of Mortgage from George Phelps to said Robt. W Phelps dated Dec 5. 1834 a copy of which is filed herewith marked Exhibit No. 3 and also an undivided one fifth interest in and to all that Lot of ground in Plummers part of New Market in said County described in a deed from George Phelps to Elizabeth Phelps, Deborah Phelps, Harriet Phelps Corilla Phelps and Rachel Phelps dated the 19th day of March 1835 a copy of which is herewith filed marked Exhibit No. 4 that all of said Grantees mentioned in said last mentioned deed with the exception of Harriet Phelps now your Complainant Harriet Gallion died before said Robert W Phelps who was a brother of said Grantees intestate unmarried and without any lineal heirs, and the shares of said Elizabeth, Deborah, Corilla and Rachel Phelps descended by inheritance to their said Brother Robt W Phelps and their sister Harriet Gallion Ann Simpson and Almeda Snyder that said Ann Simpson and Almeda Snyder have also since died intestate leaving the following children who are also neices nephews and heirs at law of said Robt W Phelps Viz George Simpson a Son of said Ann who is an Adult living in the State of Illinois and married