Gillelin et al as Complainants and George Simpson and others as Defendants

I J.E.L. Wood one of the Commissioners therein named having met at my Office in Frederick City on Saturday the 13th day of November A D 1875 pursuant to previous notice thereof to the parties did proceed to take the following testimony to wit: The Complainants by their Solicitor filed with the Commissioners as evidence Exhibits Nos. 1.2 3.4 & 5 which are herewith returned.

The Commissioner then proceeded to take the following depositions to wit:

Thomas H Lease, a witness of lawful age produced on the part of the Complainants being duly sworn and examined to interrogatories filed the Commissioners by the Complainants and herewith returned deposes and says.

Ans to 1st Int My name is Thomas H Lease, I am forty four years of age and reside in New Market Frederick County.

Ans to 2nd Int I know the parties to this suit, except George Simpson, know them some years.

Ans to 3rd Int I knew R W Phelps well, he is dead, he died in New Market of this County in the month of November A D. 1873.

Ans to 4th Int. R. W Phelps died intestate

Ans to 5th Int R W Phelps died intestate, Harriet Gallion his Administratrix settled up his Personal Estate, it was not sufficient to pay all his debts

Ans to 6th Int. As near as I can say the Administratrix has over paid the Personal Estate about two hundred dollars, she has not received her Commissions, then I think there is about a hundred and sixty yet due in the bank; then there is about thirty five dollars to collect leaving a balance of about two hundred dollars deficient in the Personal Property, I acted as Agent of the Administratrix.

Ans to 7th Int R W. Phelps died seized and possessed of the Real Estate Two Acres of Land and an interest in a Home and Garden in New Market Frederick County State of Maryland, it will be necessary to sell it all for the payment of the debts of said R. W. Phelps

Ans to 8th Int. R. W Phelps died seized and possessed of a two acre Lot of ground on the South side of the Pike of the town of New Market at the Western end, the Home and Garden in which he has an interest adjoins his Lot, this is all the Real Estate he had.

Ans to the 9th Int. I look at paper marked Exhibit No 3 R W Phelps died seized and possessed of the property therein described, he owned it for about forty eight years.

Ans to 10th Int. I look at paper now shown me marked Exhibit No. 4 R W Phelps, he died seized of an interest in the property described in said paper, he inherited one fourth interest in that property from his sisters at their death.

Ans to 11th Int. I knew all the Grantees in Exhibit No 4 except two, Rachel Phelps and Orilla Phelps, I knew the others personally.

Ans to 12th Int The heirs at Law of R. W Phelps are George Simpson a son of Ann Simpson now dead who was a sister of R W Phelps and died before him living in the State of Illinois and married but dont know his wifes name Elizabeth Duvall a daughter of said Ann Simpson living in Montgomery County Maryland married to Marvin Duvall James T Simpson a son of said Ann Simpson living beyond the limits of the State of Maryland his exact place of residence not known John Simpson a son of said Ann Simpson living in Illinois, married but wifes first name not known, Olivia J Leare a daughter of Almeda Snyder who is now dead who was a sister of R. W. Phelps and died before him living in Frederick County and married to