

No. 5009, Equity.

witness), who resides in Frederick County; and two sons, John J. Phelps and Stonewall J. Phelps both of whom reside in Howard County, John Phelps left no widow surviving him.

7<sup>th</sup> Inter waived as to this witness  
8<sup>th</sup> Ans. He is under twenty one years of age.  
9<sup>th</sup> Ans. I know the real estate and it is not capable of being divided among those interested, it would be to the advantage of all parties infant as well as adults to have the same sold and the proceeds divided among them.

To the Com. Inter, by the Examiner  
10<sup>th</sup> Ans. I know nothing more about it.

Thomas P. Quinn

Whereupon the taking of said testimony was by consent adjourned to the 19<sup>th</sup> day of February A.D. 1855 at the place aforesaid at the place aforesaid at which time and place I then and there proceeded to take the following testimony: to wit: -

Burgess Hammond a witness of lawful age produced on the part of the Plaintiff being duly sworn and examined to the interrogatories filed with the Examiner as a herewith returned, deposes and says: -

1<sup>st</sup> Ans. My name is Burgess Hammond, my age 65 years; my residence Frederick County and my occupation Farmer.

2<sup>nd</sup> Inter waived

3<sup>rd</sup> Ans. I know John Phelps, He is dead, I don't know when he died,

4<sup>th</sup> Inter waived

5<sup>th</sup> Ans. He died laying claim to a small tract of land situated in Frederick County, I look at Exhibits Nos. 1, 2 and 3 they describe the property to which he laid claim; but when the deed from Will Luster to Joshua Phelps and John Phelps was made the land was described in that deed as being about three acres when in fact it contained and yet contains only about three fourths (3/4) of an acre.

6<sup>th</sup> Inter waived

7<sup>th</sup> Ans. I knew them both; they are both dead.

8<sup>th</sup> Inter waived

9<sup>th</sup> Ans. I know the real Estate Certainly not because it is too small it would certainly be to the advantage of all the parties to have the same sold and the proceeds divided; because it is doing no one any good the way it is lying.

To the 10<sup>th</sup> Inter, (Com Inter)

Ans. I know nothing more about this Case

Burgess Hammond, signed by the

Examiner at the request of the witness who has rheumatism in the hands

whereupon there being no other witnesses to be examined and no further time being required for the production of evidence, the said Examiner hereby certifies that the foregoing are the original depositions in the Cause as the same were read over to the witnesses and signed by them respectively and he herewith returns the same enclosed to the Court

Witness my hand this 20<sup>th</sup> day of February A.D. 1855

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