

John Baker, a witness to be Examined on behalf of the Complainants.

1st Int. Are you or not acquainted with the parties to this suit, if yes, how long have you known them.

2nd Int. Were you or not acquainted with Henry Gilbert - if yes, is he living or dead, if dead, when did he die - did he leave a widow - whom did he leave as his heirs at law - state which of said heirs at law are adults and which are minors and where they reside.

3rd Int. Do you know the lands and real Estate of which said Henry Gilbert died seized - if yes, are they or not the same specified in the bill and Exhibits No's 2, 3, 4, 5 and 6 in this case - will said real Estate admit of division among all said Children and heirs at law without injury and loss to them - will it or not be to the benefit and advantage of all said heirs at law, infant as well as adult that said lands should be sold and the proceeds distributed among them, state your reasons for your opinion.

4th Int. State if you know how long said Henry Gilbert has been in possession of the lands specified in Exhibits No 2 A and No 2 B, claiming title to and using & occupying the same.

L. Eickelberger
Att. for Complainant

At the Execution of the annexed Commission issued out of the Circuit Court for Frederick County, and to me directed and empowering me to examine Evidence in the case depending in the said Court between John W. Gilbert and others as Complainants, and George Henry Gilbert, as defendant I, William B. Nelson Commissioner therein named, did on the ninth day of January in the year Eighteen hundred and sixty three, at my Office in Frederick City Maryland, proceed then and there, in the presence of the Solicitor for the Complainants, to take the following depositions, to wit:

John Baker, a witness of lawful age, produced on the part of the Complainants, being duly sworn and Examined to interrogatories filed with the Commissioner by the Complainants and herewith returned, deposes and says:

To the 1st Int. That he is acquainted with all the parties to this suit except Mr. Gumbrows has known them for many years.

To the 2nd Int. That he was acquainted with Henry Gilbert - that he is dead - that he died during February 1862 leaving a widow and the following Children and heirs at law, namely John W. Gilbert, Elizabeth Gumbrows, Margaret Ann Doty and George Henry Gilbert that they are all adults except George Henry Gilbert who is an infant - all reside in Frederick County.

To the 3rd Int. That he knows the real estate of which Henry Gilbert died seized - it is the same as described in the Bill and Exhibits filed in this case - that said real Estate will not admit of an advantageous division and that a sale of said real estate and a division of the proceeds thereof will be to the benefit and advantage of all parties interested - the estate is too small for advantageous division - the parcels would be too small for advantageous cultivation and all the improvements would be on one part or division.

To the 4th Int. That Henry Gilbert was in possession when deponent came into the neighborhood in the year 1836 and remained in possession until the time of his death, claiming title thereto and occupying and enjoying said property.

There being no other witnesses present to be examined and the Complainants desiring no further time for the production of their Evidence, the Commissioner closes the said Commission and herewith returns the same under his hand and seal, this ninth day of January 1863.

Wm B. Nelson Com. Seal

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Trustee's Report
of
Sales &c