

as well as adult heirs, that said real estate should be sold, and the proceeds be divided among the parties interested, according to their respective rights? ~

State any circumstance within your knowledge which may lead you to the opinion which you entertain on this subject ~

8th Sub: ~ Do you or ever know or do know any other matters or things which would be of advantage to the complainants in this in this cause? ~ If yes, state fully your knowledge herein. ~

C. J. Levy

Sol. for Complainants

Filed November 8th 1869 ~

Testimony

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 to examine Evidences in the cause depending in the said Court, between John Gardner and Susan his wife et al. vs John P. Gardner and Julia A his wife et al. vs Francis Brangle and John C. Wood Commissioners therein named, did on the 29th day of September A.D. 1869. at our office in Frederick City Md. then and there proceed to take testimony as follows:

The complainants filed with the Commissioners as evidence Exhibit No. 1. herewith returned, and then and there in the presence of the Complainant's Solicitor, proceeded to take the following deposition, to wit:

Joshua D. Bogle, a witness of lawful age, produced on the part of the Complainants, being duly sworn and examined to interrogatories, filed with the Commissioners by the Complainants and herewith returned, deposes and says. ~

To the 1st Sub: ~ That he is acquainted, with all the parties to this Bill, except Julia A. Gardner, Frederick Beck and Lewis H Beck, and has known them for fifteen or twenty years. ~

To the 2nd Sub: ~ That he was acquainted with one John Peter Gardner of Frederick County, He is dead - that he died near Middletown in Frederick County, that he died about 1857.

To the 3rd Sub: ~ That he was married at the time of his death - that he thinks the name of his widow was Elizabeth Gardner - now married to Jacob Smith, she lives near Middletown in Frederick County Md. ~

To the 4th Sub: ~ That the said John Peter Gardner left children, a Male Gardner, who married J. H. Gross, since dead, and she is now married to Charles L. Stinson, she is over twenty one years of age and lives in Frederick County - He left a son named John Gardner married to Susan Beckenbaugh, He is over twenty years of age, and lives in Frederick County ~ He left a daughter J. A. Gardner who married Frederick Beck - she is dead - That witness thinks she left one child Lewis H Beck - Frederick Beck does not live in the State of Maryland, he is over twenty one years of age, the son Lewis H Beck is under twenty one years of age, and lives in the State of Virginia, He left a son George P. Gardner, he is over twenty one years of age, and lives in the State of Virginia and is unmarried. That he left a son John P. Gardner, married - is over twenty years of age, and lives in Frederick County - That he left a daughter Elizabeth Gardner, she is over twenty one years of age - she lives out of the State - He left a daughter Sarah A. Gardner, who is married to John Wechtel - she is over twenty years of age, and lives in the State of Ohio - He left a daughter Henry A. Gardner she is dead - she died about A.D. 1861, unmarried and under age. ~

To the 5th Sub: ~ That the said John Peter Gardner, died seized and possessed of Real Estate, situated in Frederick County (Witness here shown Exhibit No. 1.)