

Exhibit No 1. contains a description of all the Real Estate he owned, as far as witness knows. ~
 To the 6th Sub: ~ That the property is not susceptible of advantageous division among the parties, as it is too small and encumbered, that it cannot be divided. ~
 To the 7th Sub: ~ That it would be to the interest and advantage of all the heirs, infants as well as adults, that the property should be sold, and the proceeds divided among those interested, according to their respective interests, because the situation being such, the house is scattered abroad, as one feels a particular interest in the property, and the buildings are becoming dilapidated, and the property is decreasing in value. ~

There being no other witnesses present, and at the request of the Solicitors for the Complainant, the Commissioners adjourned the Commission until the Thirteenth day of October, at which time, and the place above mentioned, in the presence of the Complainant's Solicitor, we proceeded to take the following deposition, to wit: ~

Daniel Le Miller, 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 knows all the parties to this Bill, and has known them for a long time. ~

To the 2nd Sub: ~ That he knew one John P. Gardner, formerly of Frederick County, he is dead, died near Middletown in Frederick County Md. ~ He died about 1857.

To the 3rd Sub: ~ That he was married at the time of his death ~ He left a widow Elizabeth Gardner now married to Jacob Smith ~ She lives near Middletown Frederick County Md. ~

To the 4th Sub: ~ That the said John P. Gardner left children ~ A M. C. Gardner who married of St. Gross, since dead, and she is now married to Charles Keimyer she is over twenty one years of age and lives in Frederick County ~ He left a son named John Gardner who married Susan Beckenbaugh, he is over twenty years of age and lives in Frederick County, ~ He left a daughter P. A. Gardner, who married Frederick Beck, she is dead, and left a child Lewis A. Beck, Frederick Beck does not live in the State of Maryland, he is over twenty one years of age, the son Lewis A. 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 21 years of age, and lives in the State of Virginia and is unmarried. He left a son, John P. Gardner, who married Julia A. Albright, he is over twenty one years of age and lives in Frederick County. He left a daughter Elizabeth Gardner, who is over 21 years of age, and lives out of the State, He left a daughter, Sarah A. P. Gardner who is married to John Wadlet, she is over twenty one years of age, and lives in the State of Ohio. ~ He left a daughter Mary A. P. Gardner, who is dead, she died about A.D. 1861, unmarried and under twenty one years of age. ~

To the 5th Sub: ~ That said John Peter Gardner died seized and possessed of Real Estate in Frederick County, State of Maryland, and that Exhibit No 1 contains a description of said Real Estate. ~

To the 6th Sub: ~ That the property is not susceptible of advantageous division, as its size and situation will not allow of a division. ~

To the 7th Sub: ~ That it would be to the interest of all the heirs, infants and adults that the property should be sold, and the proceeds divided among them, as the house is becoming dilapidated, and is decreasing in value constantly, and the heirs are scattered abroad, and no one gives the property any attention. ~

There being no other witnesses present to be examined, and neither party desiring further time for the production of his evidence, the Commissioners doled