before you execute the same and having reduced the depositions of the witnesses taken by you into writing you send the same with this commission, closed under your hand and seal unto this Court as a Court of Equity with all convenient speed.
Witness the Honorable Richard J. Bowie Chief Judge of our said Court 8th day of December Anno Domini 1874. Issued the 21st day of January 1874.

Thomas Gorsuch, Clerk.

Commissioners Oath.

You shall according to the best of your skill and knowledge truly, faithfully and without partiality to any or either of the parties take the examinations and depositions of all and every witness and witnesses produced and examined by virtue of the Commission hereto annexed upon the interrogatories now or which may hereafter before the said commission is closed be produced to and left with you by either of said parties.
So help you God. Filed Jan. 21. 1874.

Testimony

At the execution of the annexed Commission issued out of the Circuit Court for Frederick County to us directed and empowering us to examine witnesses the cause therein depending between John Gardner and others as Complainants and Peter Beckenbaugh and wife and others as Defendants, We William B. Nelson and John S. R. Wood Commissioners therein named did on the twenty — day of January 1874 at the office of William B. Nelson Esquire in Frederick City proceed then and there to take the following testimony to wit: The Complainants filed with the commissioners as evidence Exhibit No. 1 which is herewith returned by said Commissioners.

Thomas Koogle. 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 Int: I have known all the parties for some years.
2d " Int: I know she is dead she died in Frederick County Md. in the fall of Eighteen hundred and Seventy two.
3d " Int: She was, a house and Lot in Middletown. I look at "Exhibit No. 1" now shown me said Exhibit properly describes said Real Estate.
4th " Int: She was not married at the time of her death she was a widow she died intestate.
5th " Int: She left the following children viz: Peter Beckenbaugh aged about Forty eight years Henry Beckenbaugh aged about Forty two years, John S. Beckenbaugh aged about thirty two years all reseding in the State of Ohio. Catharine married to — Wilson residing in Baltimore City Md aged about Forty years Sarah Beckenbaugh aged about Forty six years residing in Frederick County Md. Susan married to John Gardner aged about thirty eight years and residing in Frederick County Md. and Rebecca married to Thomas Kenna aged about thirty four years all residing in Howard County Md.
6th " Int: They have, they were rejected, the Complainant John Gardner has written to them and went to see them but they refused to unite in a sale of said Real Estate except Thomas Kenna and wife who were willing to unite in a sale of said Real Estate.
7th " Int: It cannot because it consists of a House and Lot which it is impossible to divide among the parties interested.
8th " Int: It would be for the benefit and advantage of all parties interested that said Real Estate should be sold and the proceeds thereof be distributed among the parties interested for the property is going down every day and if rented the repairs taxes and expenses will consume nearly the whole rent.
9th " Int: I know nothing further.