

No. 5803. Equity.

at his death.

30 Int. How did he provide what was to be done with it?

Ans. He told us children what to do.

31 Int. who were his heirs at law?

Ans. He left myself; my sister Mrs. Keagy and my sister Elizabeth Ottow and my sister Margaret

32 Int. Is your sister Margaret living living or dead?

Ans. She is dead.

33 Int. Did she die before or after her father

Ans. After my father

34 Int. Did she leave any children

Ans. No Sir.

35 Int. Did your father leave a will?

Ans. No Sir. He made one will to put on record.

(Signed F. B. O. Peiss by the Examiner because the witness not appearing for further examination)

Adjourned to May 31st 1892. At which time no witness appearing for Examination the said examination was by consent adjourned to the first day of June 1892.

Trace Mr. Fisher a witness of lawful age produced on the part of the Plaintiff being duly sworn and examined deposes and says:

1st Int. State your name age and residence?

Ans. Trace Mr. Fisher 40 years, I live at Mother Station in Frederick County Md.

2nd Int. State whether or not you are acquainted with the parties to this suit and state their residences?

Ans. I am acquainted with them all. They all live in Frederick County except William M. Keagy and Barbara H. H. his wife, who live in Adams County, Penn. They are all over twenty one years of age.

3rd Int. were you acquainted with Daniel Peiss and Barbara his wife? If yes are they living or dead?

Ans. I know them both and they are both dead. I also know Mary Ann Elizabeth Ottow she is a daughter of the said Daniel and Barbara Peiss. She lives in Hagerstown Washington Co. Md. The heirs at law of said Daniel Peiss are his children as follows: Frederick C. O. Peiss; Barbara H. Keagy and Mary Ann Elizabeth Ottow.

I am acquainted with the farm of which Daniel Peiss died seized and possessed and live in right of it. I look at Exhibit B. and I own shown one, and the said real estate is described in said Exhibit. I don't know the exact number of acres, but do not think it contains as much as 100 acres.

I do not think it is capable of division among the parties interested without loss and injury and believe it would sell to a better advantage if sold as a whole, because it is just about a nice nice farm and there is but one sett of buildings on it, and the land does not lay in such a way that it could be divided to any advantage.

So the Gen. Int. by the Examiner.

Ans. I don't think I can.

J. M. Fisher

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July 20

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