No. 7394 Equity.

Testimony vs.

Ans. There was at the time of my wife's death a mortgage of the farm to Amos Burger for the sum of $500.00 which mortgage is still due and unpaid. There is also interest due on it at 5% from the 29th day of October 1900. I look at Exhibit F. now shown me and it is a certified copy of said mortgage.

9th Could the farm and mountain land above described be divided amongst the parties entitled according to their respective interests without loss and injury to them?

Ans. It could not. It is not susceptible of division.

10th About what is the property above described worth in your opinion?

Ans. The farm is worth about $25.00 per acre and the mountain land about $6.00 per acre.

To the General interrogatory propounded by the Examiner,

J. W. Lutherman,

Richard W. Simpson a witness of lawful age produced on the part of the plaintiff having been first duly sworn and examined says:-

1st. State your name age and residence.

Ans. Richard W. Simpson age 65 years,

I reside near Urbana in Frederick County, Maryland.

2nd. Do you know all the parties to this suit?

Ans. I know them all,

3rd Were you acquainted with Amanda S. Lutherman in her life time?

Is she living or dead?

Ans. I was. She is dead. having died sometime in the Spring of 1901.

4th Was she at the time of her death seized and possessed of any real estate situated in Frederick County, Md.

Ans. The Lutherman owned about 170 acres of farm land situated in Urbana Dist. Frederick County, Md. and I understand that it belonged to Mrs. Amanda S. Lutherman.

5th About what is that farm worth in your judgment?

Ans. I think about $50.00 per acre and think it would be cheap at that.

6th Is this land susceptible of division amongst the devisees under the will without loss and injury or would it be to the interest and advantage of all them to have the same sold and the proceeds divided?

Ans. I do not believe it could be divided amongst them without loss and injury to them and I think it would be to their advantage to have it sold and the proceeds divided.

To the general interrogatory propounded by the Examiner,

Nothing more,

R. W. Simpson

John W. Tabler a witness of law produced on the part of the plaintiff, having first been duly sworn and examined deposes and says:

1st. State your name, age residence and do you know the parties to this suit?

Ans. John W. Tabler, age 58 years, I live in Urbana District this county.

I know all the parties to this suit,

2. Did you know Amanda S. Lutherman in her lifetime is she living or dead and if dead where did she die?

Ans. I did. She is dead. having died sometime during the month of April 1901.