

No. 6453. Equity.

The Plaintiffs filed with the Examiner as evidence, Exhibits, Nos. 1, 2, 3, 4, & 5, which are herewith returned by the Said Examiner.

George H. Waehler a witness of lawful age produced on the part of the Plaintiff being duly sworn and examined Viva voce depone and say:-

My name is George A. Waehler my age 49 years I reside in Frederick County, I know the parties to this Suit. I knew Ann Rebecca Shroyer late of Frederick County, and she is dead, she died in Frederick County, about 1878. She left no will that I ever heard of. She left a husband named John Shroyer, who has died since her death, and the following persons are her children and heirs at law:

1. A Son Charles F. Shroyer, who is said to be married. They are now residents of the State of Maryland and are said to reside in Indiana.

2. A daughter Coraelia Ann Shroyer unmarried who resides in Frederick County.

3. A Son Joseph G. F. Shroyer, whose wife's name is Ellen; both of whom reside in Frederick County.

4. A daughter Elizabeth W. who is now the wife of John N. Smith both of whom reside in Frederick County. All of said children are adults over 21 years of age.

I knew the property of which the Said Ann Rebecca Shroyer died seized and possessed. It consists of a house of about 9.7 acres with improvements situated about 2 miles West of Myrsville and worth about \$400. This property is described in Exhibit, Nos. 1 & 2, now shown me; also of another piece of about 4 1/2 acres of unimproved land, which is described in Exhibit No. 3, now shown me, lying about a mile from the former property, and is worth only about \$35, for the whole. The above named properties are not susceptible of division among the heirs at law of Mrs Shroyer without loss and injury because they are too small, and of too small value to be further subdivided and without loss and injury. John Shroyer the husband of Ann Rebecca Shroyer died about January 1893, and left no will. He left as his heirs at law the same persons above named as the heirs at law of his wife, they being also his children; and also two children by a former marriage viz:-

A Son John Thomas Shroyer who is married and whose wife's name is unknown and who are now residents of the State of Maryland, and whose present residence is unknown.