

No. 8805 Equity

parties to the suit except the wife of Millard Myers.

I know Mahlon Myers in his lifetime. He is dead. He died in this farm for 12 or 14 years. Ever since I have known it it has been pretty smart out of repairs. The buildings are old. The said land could not be divided among the parties in interest without loss and injury to them, because it is but one farm with one set of buildings and I think it would be to the best interest of all to have it sold and the proceeds divided among them.

In my judgment the property is worth about \$25.00 per acre.

Cross-Examination.

1st Q. How do the condition of the building compare now as to when you first knew it?

Ans. I believe the ~~farm~~ is a little bit better. I could not say much about the buildings.

Q. To the Gen. S. by the Examiner
Ans. Newton E. Recker.

R. B. Hayes Mahler, (one of the plaintiffs) a witness of lawful age produced on the part of the plaintiffs being duly sworn and examined *vide* Dec. deposes and says as follows:-

My name R. B. Hayes Mahler, my age 34 years. Saw one of the plaintiffs to this and know all the parties. I know Mahlon S. Myers in his life time. He was my father in law and is dead. He died on December 6th 1911. Frederick was his home from May 1, 1910, till his death; prior to his death he was in Springfield ~~Virginia~~ for 6 or 7 years. Mahlon Myers died without leaving a widow but he left the following children:-

- (1) Sarna who is my wife.
- (2) Ernest S. Myers, who is unmarried.
- (3) Carrie Tucker who is the wife of Frank Tucker.
- (4) Ashby Myers, who is unmarried all of whom are adults of Frederick County, and all of whom are adults the said Ashby Myers having become of age since the filing of the bill in this cause.

- (5) Robert Myers whose wife's name is Sda. both adults and who I am informed ^{an} lives in the State of West Va.
- (6) Harry Myers who is unmarried adult living in Hancock Washington Co. Md.

- (8) Millard Myers whose wife is Pearl Myers both of whom are adults residing in the State of Tenn.

- (9) Hattie Jamison who is the wife of Richard Jamison who are both adults residing in the State of West Va.

I look at Exhibit No. 1. Now shown me and that correctly describes the land in which Mahlon Myers