

My name is Henry L. Brandenburg. I am sixty years of age and live North of Welfsville in Frederick County, Maryland. I know all the parties to this suit. I knew David L. Harshman in his lifetime. He died about the first of January 1914, and to the best of my information and belief he left no will. He left surviving him a widow, Vada E. Harshman, a brother, Charles W. Harshman, whose wife's name is Laura B. Harshman; Alta V. Gressnickle, a sister whose husband's name Harvey R. Gressnickle, and Emmert L. Harshman, a brother, who is a non compos mentis and who is an inmate of the State Hospital at Springfield.

David L. Harshman was during his life time and at the time of his death seized and possessed of several pieces or parcels of mountain land.

I look at Exhibit A which is now handed me. It is a certified copy of a deed from Martin L. Frasheur, executor of Henry Shew to David L. Harshman, and it correctly describes the mountain lot therein conveyed.

I look at exhibit B which is now handed me. It is a certified copy of a deed from Alta V. Gressnickle, et. al., to David L. Harshman and it correctly describes the land therein conveyed.

I look at exhibit C., which is a certified copy of a deed from Alta V. Gressnickle et. al., to the said David L. Harshman and it correctly describes the land therein intended to be conveyed.

This property will contain in the aggregate about thirty acres and in my opinion is not susceptible of division among the parties hereunto entitled without great loss and injury. It would certainly be to the benefit and advantage of all the parties concerned and especially to Emmert L. Harshman, in that, that this property be sold and the proceeds divided among the parties thereunto entitled.

To the general interrogatory. a. Nothing further.

H. L. Brandenburg.

Adjourned until March 5th 1914 and examination resumed.

Charles W. Harshman, a witness of lawful age, being duly sworn and examined viva voce, deposes: and says as follows--

My name is Charles W. Harshman. I am one of the plaintiffs in this suit and knew all the parties thereto. I am thirty-two years of age and reside near Ellettown, in Frederick County, Maryland. David L. Harshman, my brother, who died intestate on or about the 22nd day of December, was during his lifetime and at the time of his death, seized and possessed of several pieces or parcels of mountain land, lying and being in Frederick County, Maryland, and which he acquired by virtue of three different deeds; the one from Martin L. Frasheur, executor, bearing date the 29th day of March, in the year 1903, and recorded in liber H. W. B. no. 306 folio 71. I look at exhibit A which is now handed me. It is a certified copy of this deed and correctly describes the property. The second by deed from Alta V. Gressnickle and others dated April 3rd, 1909 and recorded in liber H. W. B. No. 306 folio 171. I look at Exhibit B which is now handed me. It is a certified copy of this deed and it correctly described this lot. The third by deed from Alta V. Gressnickle, et. al., bearing date the 15th day of February 1911, recorded in liber H. W. B. No. 306 folio 172. I look at exhibit b which is now handed me. It is a certified copy of this deed and correctly describes the lot conveyed thereby. My brother David L. Harshman, as I have said before departed this life intestate on or about the 22nd day of December, 1913. He left surviving him a widow, whose name is Vada E. Harshman, who is one of the defendants in this cause. A sister Alta V. Harshman whose husband's name is Harvey R. Gressnickle. A brother Emmert L. Harshman, who is non compos mentis and who is an inmate at the State hospital at Springfield. Myself, Charles W. Harshman and my wife, Laura V. Harshman. All of us with the exception of Emmert L. Harshman are residents of Frederick County, Maryland.

The property mentioned in these proceedings in my judgment is not susceptible of division without great loss and injury to the parties thereunto entitled and I believe it would be to the best interest and advantage of all of us who are interested in this property that it be sold under a decree of Court and the proceeds divided among the parties thereunto entitled. In my judgment