

Ans--This is a certified copy of the deed of the 166 acres of land aforementioned.

8. Look at the paper now shown you marked Exhibit No. 2 and herewith filed with the examiner as evidence and state what the same is?

Ans--This is a certified copy of the deed of the 126 acres of land aforementioned and also in the same paper is conveyed the Mountain lot of 6 $\frac{1}{2}$ acres aforesaid.

9. State the value of the real estate mentioned in these two Exhibits?

Ans--I would say about ten Thousand Dollars.

10.--State whether or not said two farms can be divided without loss or injury to the parties interested.

Ans--I don't see how it is possible to be done.

11.--State whether or not that on order to make division of said interests it will be necessary that said real estate be sold and the proceeds thereof divided among the parties according to their respective interests?

Ans--I think so.

To the General Int. . Nothing further.

J. Rowe Ohler.

William A. Devilbiss a witness of lawful age produced on the part of the Plaintiffs having been first duly sworn and examined deposes and says--

1. State your name, age and residence?

William A. Devilbiss, 60 years, I reside in Emmitsburg, Maryland.

2. Are you acquainted with the parties to this suit?

Ans. I have known them all my life.

3. State whether or not you are acquainted with a certain Edward M. Fuss. Is he dead or alive and if dead when and where did he die?

Ans--Yes, I knew Edward M. Fuss. He is dead. He died in Emmitsburg, Md., from an injury by a horse on the 7th day of June 1913.

4. What family did he leave surviving him?

Ans--He left a widow Mary C. Fuss and six children, all of whom reside near Emmitsburg, Md., with their mother. The names of the children are as follows--Carrie M Fuss, Charles R. Fuss, both adults, Elmer L., John M. Clarence M., and Robert W. Fuss, which last four are all under 21 years of age.

5. Did the said Edward M. Fuss leave a will?

None that I know of or heard of.

6. Of what real estate did he die seized and possessed of?

Ans.--Two farms and a mountain lot. One of said farms contains about 166 acres lying East of Emmitsburg along the road leading from Emmitsburg to Taneytown near Middle Creek adjoining the lands of Peter C. Eyer and Mahlen Stonedifer et. al. the other farm contains 126 acres and lies in a Southerly direction from the first mentioned farm adjoining lands formerly owned by Mahlon Stonesifer, Mrs. James W. Trexell et. al. The said Mountain lot contains about 6 $\frac{1}{2}$ acres and lies about 3 miles west of Emmitsburg in Hampton Valley, adjoining lands of the former witness J. Rowe Ohler et. al.

7. Look at the paper now shown you marked Exhibit No. 1 and state what the same is.

Ans.--It is a certified copy of the deed for 166 acres of land aforementioned.

8. Look at the paper now shown you marked Exhibit no. 11 and state what the same is?

Ans.--it is a certified copy of the deed for the 126 acres of land aforementioned and also for the 6 $\frac{1}{2}$ acres of mountain land aforementioned.

9.--State the value of the real estate mentioned in these two exhibits?

Ans.--I would say about Ten Thousand Dollars, subject to the widow's dower.

10.--State whether or not said two farms and mountain lot can be divided without loss or injury to the parties interested?