

3. Darwin D. Burrier, unmarried.
4. Jennie E. Burrier, unmarried.
5. Oda C. Burrier, unmarried.
6. Mollie R. Lochner, the wife of Lewis F. Lochner.
7. Carrie L. Lochner, the wife of John E. Lochner.

All the above are adults living in Frederick County.

8. he also left at the time of his death another daughter Fannie M. Fogle, who was married to George P. Fogle, and who died without a will on Mch. 15 1910, leaving surviving her, her husband George P. Fogle, who is about 50 years of age, and resides in Frederick County, and the following children--Grayson Burrier Fogle, aged about 14 years; Rhena Harriet Fogle, aged about 11 years; Mary Catherine Fogle, aged about 5 years. all of whom reside with their grand mother Mary C. Burrier in Frederick County.

The said real estate is not susceptible of division or partition among the parties interested therein without loss and injury thereto, because it constitutes a farm with one set of buildings and to divide it among the above mentioned heirs at law, would cut it up into so many small parcels as that its value and the volume of interests of the parties therein would be greatly impaired. The only practical way of making a division of their interests is by a sale and a division of the proceeds.

To the Gen. Int. by the Examiner.

Ans. Nothing further.

John E. Burrier.

Herman A. Buckey a witness of lawful age produced on the part of the Plaintiffs being duly sworn and examined viva voce, deposes and says as follows--

My name is Herman A. Buckey; my age is 65 years; I reside in Mt. Pleasant in Frederick County. I knew John Wm Burrier of said District and county. He is dead, he died without a will on or about May 28 1906.

At the time of his death he was seized and possessed of a small farm in Mt. Pleasant District of about 86 acres which were conveyed to him by the five deeds certified copies of which are herewith filed marked Exhibits A. B. C. D. & E. In my opinion the farm is worth about \$50 per acre.

At the time of his death the said John Wm. Burrier left surviving him a widow, Mary C. Burrier who is about 70 years of age and resides in said County, and the following children as her heirs at law--

1. A son John E. Burrier, who is unmarried.
2. A son William h. Burrier, who is unmarried.
3. A son Darwin D. Burrier, who is unmarried.
4. A daughter Jennie E. Burrier, who is unmarried.
5. A daughter Oda C. Burrier, Unmarried.
6. A daughter Nellie R. Lochner, the wife of Lewis F. Lochner.
7. A daughter Carrie L. Lochner, the wife of John E. Lochner.

All of whom are adults residing in Frederick County.

8. He also left at the time of his death another daughter Fannie M. Fogle, who was the wife of George P. Fogle, and who died since here father intestate, leaving her said husband who is an adult residing in Frederick County, and three infant children viz--

Grayson R. Fogle, Rhena H. Fogle and Mary Catherine Fogle, all of whom live with their maternal grandmother in said County.

The said real estate cannot be divided among the parties without loss and injury thereto, because it could not be divided so as to give them a lot of equal volume and it constitutes a farm with but one set of buildings which could not be divided. The only way to divide the interest is by a sale of the land and a division of the proceeds.

To the Gen. Int, by the Examiner.

Ans. Nothing further.

Herman A. Buckey.