

TESTIMONY.

To the Honorable the Judges of said Court--

In pursuance of an order of the Court and notice given me by the solicitor for the complainant, I Albert S. Brown, one of the Standing examiners of Your Honorable Court, duly appointed, qualified and sworn did, on the 19th day of May A. D. 1915, at the law office of the Examiner in the City of Frederick and State of Maryland, at the hour of 10 o'clock A. M. proceed to take the following depositions of the witnesses then and there produced before me, that is to say--

Present--Mr. Charles McC. Mathias, Solicitor for Complainants.

Mr. Jacob F. Wheaton, witness, Mr. Russell E. Lighter, witness; Mr. Albert S. Brown, solicitor.

Exhibits--Exhibit A., certified copy of deed filed with the Bill, filed with the Examiner as evidence & is marked.

Jacob F. Wheaton, a witness of lawful age, being duly sworn and examined viva voce, deposes and says, as follows--

My name is Jacob F. Wheaton. I am eighty years of age and reside in Hagerstown, Washington County Maryland.

I know the parties to this cause and am one of the complainants, My mother Mary Wheaton lived in Frederick County during her lifetime and was the owner of a piece or parcel of land lying and being in "Keller's Addition to Middletown" in Frederick County, Maryland. I look at Exhibit A., which is now handed me. It is a certified copy of a deed which correctly describes this property.

My mother, Mary Wheaton, died in and about the year 1890, and left surviving her the following children and heirs at law--John Wheaton a son who has since died without any will and leaving no heirs; George H. Wheaton, who also died leaving no heirs and without a will; Horace Wheaton whose wife's name I do not know and who used to live in Los Angeles, California; George Wheaton and his wife who live in the City of Boston, Massachusetts; Margaret M. Brunner, a daughter, who has since departed this life, leaving surviving her, Noah Brunner, a widower; Joseph Brunner, whose wife's name is Elizabeth Brunner; John Brunner whose wife's name is Laura Brunner, and George Brunner whose wife's name is Lizzie Brunner, and all of whom reside in the neighborhood of Burkittsville, Frederick County, Maryland; James Brunner, whose wife's name I do not know at this time lives in the City of Baltimore, Maryland, and Mary Brunner and his wife Brunner, live in Harrisburg, Pennsylvania; William Brunner and his wife, Brunner, live in Cleveland, Ohio; Caroline Tyler, a daughter, my sister, has also since departed this life leaving surviving her a daughter, Susie Wagner, who intermarried with one Wagner; they live in Atlantic City, New Jersey, Hattie Tyler, who is single, lives in the City of Philadelphia, and John Tyler, whose wife's name is unknown to me, lives in Lewistown, Pennsylvania; Harriet Sims, another daughter of my mother, has also departed this life leaving as her children and heirs at law Mary Pierce, who lives in Philadelphia, and Hannah Graves, a widow, who lives in Detroit, Michigan.

The property of which my mother died, seized and possessed is a small lot in Middletown, worth probably \$100.00 at the outside, and it is not susceptible of division among the parties entitled thereto without loss and injury, and I believe it would be for the best interest of all parties to this proceeding that the property herein mentioned be sold and that the proceeds be distributed to the parties entitled thereto under the direction of the Court.

To the General Interrogatory. A. Nothing further.

Jacob F. Wheaton.

27 miles
1 day.

Whereupon there being no other witnesses to examine and no further time being required for the production of testimony, the said examiner hereby certifies that the foregoing are the true and original depositions of the witnesses in this cause as the same were taken down in stenographic notes and subsequently typewritten by Walter D. Mehrling, the Examiner's sworn Clerk, and the said Examiner herewith returns the same enclosed to Your Honorable Court.

Witness my hand and seal, this 20th day of May, in the year nineteen hundred and fifteen.

Albert S. Brown (seal)
Examiner.