

In pursuance of an order of the Court, and notice given me by the Solicitors for the Plaintiff I, Albert S. Brown, one of the standing examiners of your Honorable Court, duly commissioned, qualified and sworn, did on the 28th day of November, A.D. 1916, at the hour of ten o'clock A.M. at the law office of Charles McC. Mathias, Esquire, in Frederick City, Maryland, proceed to take the following depositions of witnesses in this cause, then and there produced before me, as follows, to-wit:

Present: Charles McC. Mathias  
Attorney for the Plaintiffs.  
Lee Weinberg, Attorney for the Defendants.

Exhibits "A" and Exhibits one to twenty-two, inclusive, filed with the bill of complaint, were filed with the examiner as evidence, and so marked, Also Exhibit No. 1 to petition of P. N. Hammaker, filed with the Bill of Petition was filed with the Examiner as evidence, and so marked.

JOHN T. HESSONG, a witness of lawful age, produced on the part of the plaintiff, and examined viva voce, deposes and says as follows: My name is John T. Hessong, I live between Lewistown and Creagers-town. I am 68 years old, and am a farmer. I know all the parties to this cause, having lived in the same neighborhood with the Laymans for 32 years. I knew Sophia R. Layman in her lifetime, and know that she died some years ago. She left surviving her as her children and heirs at law William H. Layman, another son, whose wife's name is Zoa Layman; Jacob A. Layman, a third son, whose wife's name is Birdie A. Layman; Clara Dixon, a daughter, who is a widow; Rosa Layman and Savilla Layman, who is unmarried. They were all the children and heirs at law of Sophia Layman who survived her. That as far as I know, she died not leaving any will, and to the best of my knowledge she died intestate. I know the property mentioned in these proceedings. It lies about a mile from my home, and is situated on the East side and adjoining the road from Eicholtz's mill to Lewistown. It contains about 5 acres of land, more or less, and has a little house and stable located thereon. I look at the Deed now handed me, marked "Exhibit A", and it correctly describes the property mentioned herein. This property is not susceptible of division among the parties thereunto entitled without loss and injury, and I believe it would be for the benefit and advantage of everybody interested in this property that the same be sold under the direction of the Court, and the proceeds divided among the parties thereunto entitled. It is hard for me to say just what this property is worth. There is a little end-story and a half building and a little square stable located on the property. I see by the Deed that Mrs. Layman paid \$350.00 for it, and if it brings that price, I think it will do well.

TO THE GENERAL INTERROGATORY.

A. Nothing further. (12 miles 75¢) John T. Hessong.

Adjourned until November 25<sup>th</sup> 1916 at 11 o'clock a.m. and Examinations resumed at the Law Office of the Examiner in Frederick City, Maryland. Present Mr, Chas. McC. Mathias  
Sol for Plffs. No appearance for Defts.

HENRY A. BAKER, a witness of lawful age, produced on the part of the Plaintiff, being first duly sworn and examined viva voce, deposes and says as follows:--

My name is Henry A. Baker; I live near Metter's Station in Frederick County, Maryland; I am engaged in the occupation of farming and am fifty-four years old. I know all the Layman family who are interested in this cause. I formerly owned the property which is mentioned in these proceedings, and deeded the same to Sophia Layman in 1903. I look at a certified copy of said deed, which is now handed me, marked "Exhibit A", and it correctly describes the property mentioned in these proceedings. It is a tract containing about five acres and is improved by a small house and stable. The buildings are not in a very good state of repair, and having gone down considerably since the Laymans owned it. Mrs. Sophia Layman died after taking the deed to this property. She left surviving her as her children and heirs at law, William Layman, a son, I think his wife's name is Emma Layman, Colonel Layman, another son, whose wife's name is Zoa Layman, and Jacob Layman, a third son, whose wife's name is Bertie A. Layman; then there are three girls, I believe, Clara Dixon, who is a widow, and Rosa and Savilla Layman unmarried. These are all the children of Mrs. Layman that ever knew of. I never heard of Mrs. Layman leaving any will, and my information is that she died intestate. This property is not susceptible of division among the parties entitled to it, as it stands now, and in my opinion it would be for the best interest of everybody interested in this property that the same be sold under the direction