

E. Stottlemyer, all of whom are adults and reside in the State of Ohio, then there the children of a deceased brother of Hiram whose name was George, as follows-an adult son John J.A. Stottlemyer whose wifes name is Maud; an adult daughter Elizabeth A. Haubach whose husbands name is Crist Haubach; an adult daughter Emma R. Beard whdse husbands name is James J. Beard; an adult daughter Lucretia A. Fink whose husbands name is Jacob E. Fink all of whom reside in the State of Ohio, then there are the children of Ann Beck a deceased sister of Hiram as follows- an adult daughter Mintie Eiche whose husbands name is Lewis Eiche she is a daughter of William Stottlemyer deceased, also a brother of Hiram's which relationship I have learned since the Bill was filed; the following are Anna Bechs children an adult son William Beck whose wifes name is Mary; an adult son John Wesley Beck whose wifes name is Laura ; an adult son Charles Beck who is unmarried, William and Charles reside in the State of Ohio and John Wesley Beck has recently removed to the State of Oklahoma; then there is Henry Stottlemyer who is unmarried and the son of Joshua Stottlemyer a deceased brother of Hiram, Henry Stottlemyer lives in the State of Ohio he is now in the U.S. Army.

5th. Did Hiram Stottlemyer own any land in Frederick County at the time of his decease?

Ans. He did, about 52 Acres in Hauvers District of Frederick County and the same is correctly described in Exhibits No 1 and 2 which are certified copies of the deeds for the same, which I look at.

6th. Is this land capable of being divided amongst the parties entitled thereto without loss and injury?

Ans. It is not there is but one set of buildings on it, a part of it is in timber and pasture probably 35 acres of it, the rest of it is rocky and stony -It could not be divided without loss and injury-the only way I see would be to sell the land divide the proceeds amongst parties entitled, It is worth in my opinion about \$1400.00

To the General Interrogatory. Nothing further.

Henry Lee Wolfe.

David A. Herschel, a witness of lawful age produced on the part of the plaintiff being first duly sworn and says as follows:-

1st. State your name, age residence and do you know the parties to this cause and the land mentioned in these proceedings

Ans. David A. Herschel, I am 65 years of age and I reside near Garfield this County, I have heard the testimony given by Mr. Henry Lee Wolfe as to who the parties are, what he said is correct and I adopt it as my testimony in this case, I know the land mentioned in these proceedings It was owned by Hiram Stottlemyer at the time of his decease last June (1917) and it correctly described in Exhibits Nos 1 and 2 to the Bill, the same being certified copies of the deeds for the same, which I have looked at and read over Hiram Stottlemyer died intestate, his wife Mary Stottlemyer is living and is now about 67 years of age, they nevrr had any children, this land, about 52 acres is in Hauvers District of this County, is mountain land, about 35 acres in timber and pasture, the whole tract is pretty rough, stony land and is worth probably \$1400.00 it has one set of buildings on it, and it could not be divided amongst all these people without loss and injury and the only way that I see would be to sell it and divide the proceeds amongst the parties entitled, under the decree of the Court.

To the General Interrpgatory. Nothing More.

David A. Herschel.

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 read over to and signed by them respectively; and the said Examiner herewith returns the same enclosed to your Honorable Court.

Witness my hand and seal this 27th day of February A.D. 1918.

Albert S. Brown (seal)  
Examiner.

Costs of the foregoing testimony.	
Albert S. Brown, Examiner 1 day	\$4.00
Henry Lee Wolfe, witness 1 day & Milage	3.05
David A. Herschel , , , , ,	3.05.
	<u>\$10.10</u>

Certified to A.S. Brown, Examiner.

(Filed Feb, 27, 1918)