No. 9878. Equity.

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tell how much is in it;-

11. Is that all the tillable land that is cut off?

A. No,Sir,about One half.

12, What would that piece be worth independent of the of the Balance of the Farm?

A, Well I wouldn't have any idea, I wouldn't hardly Know how to get at it, It probably may be worth $300,00 something like that,

13, is this land of Levi Buhrman as mentioned and described by You Susceptible of divisions, between all the parties without loss and injury?

A. No, I don't believe it can be done,not satisfactory, because I Wouldn't know how it could be.

14. What are the buildings on this property worth independent of the land, other than what they stand on?

A. Well they couldn't be replaced, new buildings; $1500,00 would be as low as the value of them, You Couldn't put new ones there for any thing like that;-

15. Would it betothe interest, benefit and advantage of all the parties hereto, and especially the infant, that the same be sold and the proceeds divided?

A, Well if it Couldn't be divided any other way, if that would be the Only way, it Could be divided ?. Sometimes they appraise property and divide it that way, not divide the land.

16, what would they begetting in that case, if that was appraized

A. They would get their share,whatever it was.

17. Share of what,Land or money?

A. Money,

Cross Examination

1x, As i understand you though, this land Couldn't be divided into five equal tracts, that is of the same number of acres, yet it might be a division of five parts that would be somewhere Equal in money, is that what you mean to explain?

A. I might it couldn't be divided into value, I don't think it could be divided into value to suit all the parties. that would be hard to do,Couldn't be done, I don't believe with any satisfaction becausetwo might want the same piece maybe. and whowas going to divide it and make him take what was allotted to him. it would be a hard thing to divide so as to have tracts of equal value?

2x. Will you say then that this land cannot be divided so as to have tracts of Equal value?

3x. Why?

A, Just simply I wouldn't Know how it could be done,

4x. You neverhad any experience in the division of tracts of land, did you?

A. No.sir.

5x You Couldn't say absolutely then that it could not be divided?

A. It if Could be done. it would be in a way that I don't Know; it couldn't be done in my mind.

6x. You stated in your evidence in chief that it would be to the interest of all parties that this land be sold,

A. I didn't say that, i said if it couldn't be divided no other way that was the only way it could be sold, and settled.

7x. Will you tell me what advantage it would be to the other heirs, than Mrs, Katie Buhrman and daughter; they reside on the place, the other heirs, do they not?

A. Yes Sir.

8x. How long have they been living there?

A. I suppose the most of them their lifetime, outside of the one, Two of them live close there, but the other three have been thereever since they lived anywhere; they never lived away.

9x. Will you tell me how you can state that it would be an advantage to the other heirs, other than Mrs Katie Buhrman, and her daughter to sell the place,

A. I wouldn't know; I wouldn't see any advantage, but there should certainly be some way to settle it and each one would get their equal share which they ought to have.

10x If Mrs. Katie Buhrman and her daughter's shares were set off,that would be all right, wouldn't it?