

Herbert C. Bowman, one of the Plaintiffs in the above entitled cause, a witness of lawful age testifying in his own behalf, being first duly sworn by the Examiner, deposes and says;

My name is Herbert C. Bowman, I am 58 years of age and reside at Smithsburg, Washington County, Maryland. I am the husband of Hattie M. Bowman and we are the complainants in this cause.

I knew Barbara C. Hershel in her lifetime. She died some time ago in June, 1907, 1907, intestate. At the time of her death she owned the two properties described in two deeds; one from Gideon Buzzard and wife to Barbara C. Hershel, dated April 6, 1878, for 12 acres, 2 roods and 87 perches of land, recorded in liber T.G. No. 9 Folio 264, one of the Land Records of Frederick County.

(Witness is here shown deed and identifies same) The other is a tract of land deeded to Barbara C. Hershel from David A. Hershel, her husband, dated the 6th day of April, 1892, for 3½ acres of land, recorded in Liber No. 366, Folio 534, one of said Land Records. (Witness is here shown deed and identifies it). These two tracts lie contiguous to and next adjoining one another and contain in the aggregate between 16 and 17 acres of land. This property is located in Hauvers District, in Frederick County, Maryland, on the North side of the road leading from Smithsburg to Garfield and adjoining the lands of William Williams, Ira L. Wolfe and others. The Improvements on the property consist of a one and a half story log house with 4 rooms, summer kitchen attached to the house; corn crib and hog pen combined, chicken house, stable. There is a well of never failing water close to the house. About 14 acres are tillable land, the rest is in growing timber. The property is well set in apples, pears, grapes, plums and other small fruit.

This property is so situated that it would be impossible of partition among the heirs and there is no one interested living near at the present time and therefore no one to care for the property, and no one of authority to rent the property and it lies idle and will continue to depreciate in value; and at this time the buildings and fences are badly in need of repair. For these reasons, in my judgment the only thing to be done would be to sell the property and divide the proceeds among the parties, according to their respective interests.

I think the property is worth about \$500.00

To the General Interrogatory;

Nothing further.

Herbert C. Bowman

Joseph W. Wolfinger, a witness of lawful age, produced on the part of the Plaintiffs, being first duly sworn by the Examiner, deposes as says; My name is Joseph W. Wolfinger, I am 58 years of age and reside at Hagerstown, Washington County, Maryland. I know the parties to this suit and I know the property in question. This property of two tracts is worth about \$500.00 and according to its location and situation it would be impossible to divide this property among the parties interested. None of the heirs at law lives near there, the nearest one being Mrs. Bowman and her husband, and there is no one to look after the property as neither of these parties has authority to rent, and the property is therefore depreciating in value. At this time both buildings and fences are badly in need of repair. Under these conditions, I think that it would be to the best interest of all concerned that the property be sold and the proceeds divided among the parties of interest. I have made an investigation and interviewed the heirs residing in Virginia and West Virginia, and find that the testimony given by the preceding witnesses is correct.

To the General Interrogatory;

That is all.

Jos. W. Wolfinger.

WHEREUPON, there being no other witness to be examined and no further time required for the taking of testimony in said cause, the said Examiner hereby certifies that the foregoing are the depositions of the respective witnesses, as the same were read over and subscribed to by them, and I herewith return the same enclosed to your Honorable Court, this 28th day of September, 1928.