

of Thomas W. Fisher, deceased, and first cousins of John W. Fisher, deceased mentioned in this cause.

(3) Mary A. Barber, whose husband's name is Charles Barber; Samuel Fisher, whose wife's name is Ella Fisher; Benjamin Fisher, whose wife's name is Mary E. Fisher. This third branch names are the children of Geo. W. Fisher, deceased, and first cousins of John W. Fisher mentioned in this cause.

Then there is another first cousin I am informed whose name is Fannie V. Butts, who is a widow and a first cousin of John W. Fisher, deceased, on the side of his mother, Catherine E. Fisher, deceased.

The first branch named as plaintiffs are all above twenty-one years of age and reside in Washington, D. C. The second branch named, including myself and sisters, together with their husbands, are all residents of Frederick County, Maryland. All of whom are adults. The third branch that I have named are all residents of the District of Columbia, but I am informed that they have already filed their answers in this cause. They are all adults above the age of twenty-one years. The only other one is Mrs. Fannie V. Butts, who is above the age of twenty-one years and an adult and resides in Frederick City, Maryland. All of the above, as I have stated, are first cousins to John W. Fisher, the deceased mentioned as aforesaid, and are all of the first cousins that survived him.

This real estate, as I have stated, is in two separate tracts, but both adjacent to each other, and constitutes one tract. This land is of gravel and adapted for agricultural purposes, and there is about an acre and a half or two acres in wood land of mixed timber such as oak, etc. This land lies along the road leading from Point of Rocks to Licksville. This land is not susceptible of partition or division among the parties that are entitled to interest therein, and it would be to the benefit and advantage of all the parties that said real estate be sold and the proceeds arising therefrom be divided among the parties entitled according to their respective interests. And, as I have stated, those that I have named constitute all of his heirs at law and first cousins. The reason I say it cannot be divided, it would be impracticable to try to chop it up in lots and give each one a lot, as there is no town near it nor is it adapted for building purposes, as this tract lies in between other agricultural lands; two farms bordering it on the north, west and south sides, and the Point of Rocks and Licksville Road on the east side.

This property is worth in my judgment from six to eight hundred dollars, and may probably bring more."

Cross-examination waived.

To general interrogatory - A. Nothing further.

John W. Fisher

Exhibits A and B are herewith offered in evidence and filed with the Examiner, and are so marked.

Sidney R. Hickman, a witness of lawful age produced on the part of the plaintiffs, having been duly sworn, deposes and says:

"My name is Sidney R. Hickman. I am fifty-eight years of age and reside in Frederick County, Maryland, near Point of Rocks, where I have lived practically all my life.

I knew John W. Fisher, the deceased mentioned in this cause for a great many years, as he used to come to our lunch place at Point of Rocks for food many, many times. He was a son of John Fisher and Catherine E. Fisher, and he was the only child that they had. John Fisher, his father, predeceased his mother, Catherine E. Fisher, some years, and she has been dead for thirty years or more, and left John W. Fisher, who died without a will, as far as can be learned, in June, 1931. This John W. Fisher was never married, and hence left no wife nor children, or descendants. When his mother died he inherited her real estate as