taxes on the farm. At the death of my mother she left six children surviving her who are named as the parties to this suit; that is, Clarence B. Stottlemyer, D. Franklin Stottlemyer, Laura L. Stottlemyer, Carrie E. Webb, G. Wilbur Stottlemyer and Martha J. Stottlemyer. They are all adults excepting G. Wilbur Stottlemyer, who was 19 years old in January, and they are all residents of Frederick County, excepting Carrie E. Webb, who lives in Hagerstown, Washington County.

My mother was the owner of a farm containing about 88acres, in Creagerstown District, and is the same farm as described in "Exhibit A" which is a certified copy of the deed from Mary M. Whitmore and others to my father and mother jointly. The farm improvements consist of a house, barn and other outbuildings found on a farm of this size. The farm could not be divided amongst the parties interested, without loss and injury. I do not think the farm would bring more than $3,000.00 or $4,000.00.

To the General Interrogatory,

That is all.

D. Franklin Stottlemyer.

Howard M. Albaugh, a witness of law ful age, produced on the part of the Plaintiffs, being first duly sworn, testifies and says:

My name is Howard M. Albaugh, I am 37 years of age and reside in Frederick City, Maryland. I am Assistant Secretary of the Frederick town Savings Institution. I also in particular have charge of the bills and notes accounts ledgers of the Institution.

The FrederickTown Savings Institution is a creditor of Phoebe A. Stottlemyer, who I understand is now deceased, and who was the widow of George F. Stottlemyer, and I understand she was the owner of a farm in Creagerstown District, in Frederick County, Maryland. The Savings Institution holds a single bill that was made by Clarence B. Stottlem yer, who I think is the son of Phoebe A. Stottlemyer, and by Nettie E. Stottlemyer and Phoebe A. Stottlemyer, the single bill being dated November 2, 1928. I look at the single bill herewith shown me and it is the single bill in question and the amount now due to the Savings Institution on that note is $760.00 with interest from May 2, 1929. The said Phoebe A.Stottlemyer is further indebted to the Savings Institution on a single bill made by Phoebe A. Stottlemyer, D. F. Stottlemyer and C. B. Stottlemyer, the latter two whom I think are her sons, the single bill being for the sum of $265.00, with interest due thereon from September 2, 1929. I look at the single bill marked "Exhibit No. 2", herewith shown to me and it is the single bill in question. The said Phoebe A. Stottlemyer is further indebted to the said Savings Institution by a single bill made by Wilbur Stottlemyer, Phoebe A.Stottlemyer and Mary C.Whitmore for the sum of $100.00, with interest due thereon from October 10, 1929; I look at the single bill herewith shown to me marked "Exhibit No. 3" also filed in this case by the said Institution with the petition in this case, and it is the single bill in question. These three obligations have not been filed by our Institution in the Orphans' Court of Frederick County against the estate of Phoebe A. Stottlemyer, and we have not received any payments thereon, because we have been informed by the heirs at law of the said Phoebe A. Stottlemyer that she left no personal estate. The FrederickTown Savings Institution as a creditor has filed the petition in this cause for the purpose of having the real estate of said Phoebe A. Stottlemyer deceased, sold for the payment of the three single bills mentioned and for the payment of any other of the just debts due by said Phoebe A. Stottlemyer at the time of her death.

I knew Mrs. Phoebe A. Stottlemyer during her lifetime and would see her when she would come to the Savings Institution on different occasions to transact business, and I kept the books upon which these notes were entered and know that the amounts due and claimed thereon are correct.

To the General Interrogatory: That is all.

Howard M. Albaugh