

Pursuant to the decree Pro Confesso passed in the above entitled cause on August 13, 1936 and at the request of the Solicitor for the Complainants, I, Patrick M. Schnauffer, one of standing Examiners of your Honorable Court, duly appointed, qualified and sworn, met at the office of D. Princeton Buckey, in Frederick City, Maryland on Wednesday, the 26th day of August 1936 at 11 o'clock A. M., and then and there did, with the assistance of Helen F. Mock, Clerk proceed to take the following depositions, that is to say:

Present:

D. Princeton Buckey, Solicitor for Complainants  
Complainant and his witness

Exhibit No. I was offered in evidence and is herewith filed with the Examiner.

Willie S. Devilbiss one of the Plaintiffs of lawful age produced on behalf of the Plaintiffs having first been duly sworn deposes and says:

My name is Willie S. Devilbiss; I am 64 years of age and reside in Lingenore District, Frederick County, Maryland where I have lived all my life, My wife's name is Eurith I. Devilbiss. My mother, Mary Catherine Devilbiss died, and left no will, in this County on the 4th day of April, 1928. Her husband, my father, William Devilbiss, predeceased my mother, having died in 1909.

My mother left surviving her the following children:

Myself, a Daughter, Maggie I. Sharretts; who is a widow about 66 years of age and lives in Somerset County, Maryland.

Also another daughter, Rachel A. Devilbiss, who lives in Carroll County and is about 62 years of age and is unmarried.

My mother had another son, Samuel H. Devilbiss, who predeceased his mother having died in 1917. He had a wife but I don't know whether or not she is living or dead or where she is. Samuel H. Devilbiss however, left only daughter whose name is Ella Pearl Hatcher whose husband is Henry Hatcher and both of home reside in Stanton in the State of Kansas. Both of whom are very much over 21 years of age being about 35 or 40. She is the only child of my deceased brother and the above named are the only heirs at law of my mother living and she left no other children that left any heirs at law or children. These are all of the parties who have any interest in the real estate mentioned in this proceeding.

The reason we had to invoke the aid of the court in order to sell the real estate in this cause is because the husband of Ella Pearl Hatcher, Henry Hatcher, refused to sign any deed.

At the time of my mother's death she was seized and possessed of a tract and parcel of land in Lingenore District this County and which contains 14 acres of land more or less. It was conveyed to her by a deed from William Devilbiss dated the 7th day of July 1890, a certified copy of which I now look at and filed in this cause and I think it correctly describes the property.

The property is improved with a 6 room weather boarded house and a small barn and other out buildings. These buildings are about the middle of the tract of land and this tract of land is not susceptible of division or partition among the parties interested in this cause and the parties entitled to the property or the proceeds thereof without loss and injury and it would be to the benefit and advantage of all the parties to this cause if the real estate be sold under a decree of <sup>the</sup> Court and the proceeds of the sale be divided among them according to their respective rights. There being only four parties.

This property is worth about \$750.00 to \$800.00