

No. 6929 Equity.

Testimony.

having met at the office of Emory L. Cobbletz Esq. in Frederick City, Maryland, on the second day of February 1898 and having appointed the said time and place for the taking of testimony in the above mentioned cause did proceed to take the following testimony to wit: The Plaintiff filed the Examined Exhibits "A, B, C, D, E, & F," as evidence, which are here with returned by said Examiner.

Egna M. Ramsburg a witness of lawful age produced on the part of the plaintiff having first been duly sworn and examined deposes and says,

Q. State your name, age, and residence?

A. Egna M. Ramsburg age 55 years, and I reside in Middletown, Frederick County, Maryland.

I know all the parties to this proceeding; I know Frank Ellivato during his lifetime he died during the fall of 1898, and left a will, in which I was named as executor I have never administered upon his personal property because it was ^{not} sufficient to pay the costs of Administration. I know nothing of the claims of the complainants Charles F. Mail and L. J. Dew filed as Exhibits A & B, respectively, but am sure that if such bills existed at the time of Ellivato's death that they have never been paid. I know that the Bill of Dr. J. E. Beatty, complainant filed as "Exhibit C," was contracted during the life time of Frank Ellivato and is in my judgment a very reasonable and just claim, he attended him during his last illness. This Bill is still unpaid and amounts to five dollars. The Bill of the complainant William J. Moch filed as "Exhibit D," is for funeral expenses of the said Frank Ellivato and amounts to \$13.00, I know this bill is all right and is still unpaid. The said Frank Ellivato died as aforesaid and left a very small amount of personal property and a small portion of real estate.

The latter consisting of a small parcel of ground improved with a dwelling house the said lot of ground lies adjacent to Middletown in Frederick County, Maryland, and is worth about \$75.00 "Exhibit F," now shown me is a certified copy of the deed conveying said ground the said Frank Ellivato and properly describes it. The said Frank Ellivato left a last will and testament, which has been filed in the orphan's court for Frederick County, and "Exhibit E," now shown me is a certified copy of said will.

The personal estate is entirely insufficient to pay the debts and funeral expenses of the said deceased.

The said Frank Ellivato left surviving him no legitimate children, but left the following legatees which are named in his will to wit: William Ellivato who is a non resident of this State and resides in the State of Maryland and resides in the State of Ohio, Amanda Ellivato who since the filing of the Bill in this cause has married Harim Saunders, both of whom reside at Middletown, Maryland and Joseph H. Ellivato an infant who at the time of filing this Bill was at the Maryland House of Reformation for Colored boys but is now residing at Middletown, Md., with his sister Amanda Saunders.

The personal estate left by the said Frank Ellivato as I have already stated would not pay the costs of Administration and it would be better if both real and personal were sold under a decree of the Court and the proceeds applied to the payment of the debts of the deceased. Amanda Saunders, has a bill against the estate of said Frank Ellivato for at least \$50.00 and both the real and personal will be insufficient to pay the debts. To the general interrogatory propounded by the Examiner. Nothing more.

Egna M. Ramsburg.