

No. 6929 Equity.

Testimony vs.

Deore.

Luther J. Derr a witness of lawful age produced on the part of the plaintiff having first been duly sworn and examined deposes and says:-

1st State your name, age and residence.

Luther J. Derr, age 38 years and I reside in Middletown, Frederick County, Maryland, and I am one of the complainants in this case. I know Frank Ellicott during his life time. He was indebted to me at the time of his death in the sum of \$296 for sundry matters and things properly chargeable in account. Exhibit B now shown me is an itemized statement of said account and is correct.

This bill is still due and unpaid.

Frank Ellicott aforesaid died sometime during the year of 1898 and at the time of his death was possessed of a very small amount of personal property and of a small amount of real estate valued at about \$700 and consists of a parcel of ground with a dwelling house on it situated in or near Middletown, Frederick County, Maryland. Exhibit F now shown me is to the best of my knowledge a certified copy of the deed by which the said Frank Ellicott obtained said parcel of ground.

The said Frank Ellicott was never married and left no legitimate children. He left at the time of his death a last will and testament which has been filed in the Orphans Court for Frederick County, of which will Exhibit G now shown me is a certified copy.

The following legates are named in said will, William Ellicott who is now a resident of the State of Maryland.

Auranda Ellicott who lately married Abram Saunders and who now live together in Middletown, Maryland, and Joseph H. Ellicott who is an infant and who resides in the State of Maryland.

The personal estate of the said Frank Ellicott will not pay the costs of administration and is entirely insufficient to pay his debts and I am of the opinion that the real and personal estate together will not be sufficient to pay them.

The will marked Exhibit G does not authorize a sale of the real estate by the executor to provide for the payment of the debts of the deceased.

To the general interrogatory,

Nothing else.

L. J. Derr.

Whereupon there being no other witnesses to be examined and no further time being required for the production of evidence in the said cause the said Examiner proceeded to close the taking of testimony and herewith returns the depositions enclosed to the Court as the same were read over to the witnesses and signed by them respectively.

Witness my hand this 2nd day of February, 1900.

Arthur D. Willard

Examiner

Costs of the foregoing testimony.

A. D. Willard	Examiner 1 day	\$4.00
Eva M. Remsburg	Witness & Interpreter	1.50
L. J. Derr	" " "	1.50
Total		\$7.00

Certified to, A. D. Willard, Examiner.

Adventurment

Report of sh