

T E S T I M O N Y.

Emory Frey	:	No. 12,388 Equity.
vs.	:	In the Circuit Court for
Samuel Draper, et al.	:	Frederick County, in Equity.

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To the Honorable, the Judges of said Court:

The above cause being at issue and notice having been given me by the Solicitor for the Plaintiff of a desire to take testimony in said cause, leave of the Court having been first had and obtained, I, D. Princeton Buckey, one of the standing Examiners of your Honorable Court, duly appointed, qualified and sworn, met the parties to said cause at the office of H. Kieffer DeLauter, Esq., in Frederick City, Maryland, on Wednesday, March 30, 1932, at the hour of 10 o'clock a. m., and then and there proceeded to take the following depositions, that is to say:

Present; H. Kieffer DeLauter,
Solicitor for Plaintiff.
and witnesses.

Emory Frey, the plaintiff testifying on his own behalf and being first duly sworn, deposes and says:

My name is Emory Frey, aged 60 years a resident of Wolfesville in Frederick County, Maryland, and am the complainant in this case.

I knew Somerset W. Draper late of Frederick County, for many years, he died on or about the 1st day of August, 1930, and was buried at Mt. Bethel, in said Frederick County, I had charge of the funeral and have filed my bill against the estate amounting to \$131.00. Mr. Draper left less than fifty dollars worth of personal property, but did leave some real estate located in Catoctin District, in said Frederick County, valued at about four hundred dollars, said tract is described in the deed Julia Kelbaugh to said Somerset W. Draper, dated on the 13th day of March, 1879, and recorded in Liber No. 296, at folio 446, one of the land records for said Frederick County.

This lot of land is improved with a two story dwelling, part frame and part log, stable and pig pen.

Mr. Draper left the following children surviving him: Samuel Draper, whose wife's name is Mae Draper, Bertha Stottlemeyer, wife of Welty Stottlemeyer, Dessie Hentzberry, wife of Daniel Huntzberry Norman Draper, whose wife's name is Ona V. Draper, Ada Wetzel wife John Wetzel, and Dewey Draper, unmarried.

There has been no administration on the personal estate and the amount of his personal estate will not justify the expenses of an administration.

I think it would be advantageous to the estate to seal the real estate immediately, without waiting for final proceedings, as there is a prospective purchaser in the premises and the garden and lots are ready for cultivation.

To the general interrogatory. Nothing more.

Emory Frey

Sherman Kline, a witness of lawful age produced on the part of the plaintiff, and being first duly sworn, deposes and says:

My name is Sherman Kline, I am 29 years of age and reside at Wolfesville and have known Somerset Draper and his family ever since I was a small boy.

He died on or about the first day of August, 1930, but can not fix the exact date. He left six children surviving him, but no widow, as Mrs. Draper died about the year 1928, the children named by Mr. Frey are correctly named, and the property owned by Mr. Draper at the time of his death is described in the deed mentioned from Julia Kelbaugh and contains about eight acres of land. I thin_ four hundred dollars would be a fair price for it.