

therein, I, Alfred R. Jones, one of the Standing Examiners of your Honorable Court, duly appointed, qualified, and sworn, at the office of Emory L. Coblenz, Esquire, Frederick City, Maryland, on the 31st day of May, 1939, at the hour of 10:00 o'clock A. M., proceeded to take the following depositions of the witnesses then and there produced before me, that is to say,

Present:

Emory L. Coblenz, Esq., Solicitor for Complainants

Complainant and his witnesses.

WILLIAM H. SUMMERS, one of the complainants, produced in his own behalf, being first duly sworn, deposes and says as follows:

Q. State your name, age and residence.

A. William H. Summers; near Myersville in Jackson District, Frederick County, Maryland; seventy-two years old.

Q. You are one of the complainants in this cause?

A. I am.

Q. Did you know Isaac J. Summers?

A. I did; he was my father.

Q. About when did he die?

A. He died in 1903.

Q. Did he leave a last will and testament?

A. Yes, sir.

Q. Who was the Executor of that will?

A. I was.

Q. I show you a paper which has been filed in this cause as Exhibit "A". Will you look at it and state what it is.

A. It is a certified copy of the will of my father, Isaac J. Summers. (Exhibit "A" filed with the Examiner as evidence.)

Q. Did you settle your father's estate as Executor, and state a final account?

A. Yes, sir.

Q. I now hand you a paper, marked Exhibit "B", which is a copy of the distribution from your account as Executor of your father's estate, which shows a distribution to you and each of your brothers and sisters, according to the terms of the will, of \$703.84. Will you look at that and state whether or not that is a copy of the distribution from your father's estate.

A. It is. (Exhibit "B" filed with the Examiner as evidence.)

Q. This account shows that you distributed to Mary M. Flock, your sister, for life, a one-sixth interest amounting to \$703.84. State whether or not you paid this money to your sister.

A. I did.

Q. This exhibit shows that this distribution was approved by the Orphans' Court on the 31st day of May, 1904. Had you paid her the amount due her in this account at the time you stated this account?

A. Yes, sir, in about that time.

Q. Can you state why, if the money due your sister was only due her for life, you paid the money direct to her rather than requiring that a trustee be appointed to receive it and give bond for it?

A. I paid it to her direct in accordance with a decree of the Circuit Court for Frederick County, which ordered it paid in that way. (Complainants now offer in evidence copy of said decree, marked Exhibit "C".)