

It appearing to the Court that Florence May Derr, one of the adults, has been duly summoned and further appearing that said Florence May Derr has neither appeared nor answered within the time prescribed by the Rules of Court,

It is thereupon this 18th day of February 1922 by the Circuit Court for Frederick County, in Equity Ordered that the Bill of Complaint be and the same is hereby taken pro Confesso against the said Florence May Derr.

(Filed February 18, 1922)

Glenn H. Worthington.

OPINION.

No. 10447 Equity.

Robert C. McLane, et al.	"	In the Circuit Court for
vs.	"	Frederick County, sitting
Florence May Derr, et al.	"	as a Court of Equity.

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OPINION OF THE COURT.

In this case the bill of complaint is filed to have the Court determine who are the legal heirs of Helen Stull McLane, deceased, who died unmarried and intestate on October 17, 1903, aged about two or three years. The undisputed facts are that Rufus A. McLane died intestate on November 25, 1901, leaving surviving him one son, Harry O. McLane, as his only heir at law, and a widow, Margaret J. McLane, who died thereafter on June 1, 1921. Harry O. McLane, the only son and heir at law of Rufus A. McLane, died intestate on February 11, 1903 leaving surviving him a widow, Georgianna Stull McLane, and an only daughter, the above named Helen Stull McLane. As his child survived her father she inherited from him all his real estate, subject to the dower right of her mother, Georgianna Stull McLane, and also subject to the dower right of her grandmother, Margaret J. McLane. These two widows occupied the house and lot and premises of which Rufus A. McLane died intestate in the year 1901 until the death of Mrs. Margaret J. McLane, June 1, 1921, The child, Helen Stull McLane, having inherited all her father's real estate upon his death, February 11, 1903, the question arises and is now presented to the Court for its determination as to who are the lawful heirs of this decedent, Helen Stull McLane.

According to the Statute of Descents in operation at the time of the death of the said Helen Stull McLane on October 17, 1903, (Code, Article 46, Section 1 to 7) the intestate having no child or children or descendants, and no father and no brothers or sisters, and no paternal grandfather and no descendants of the paternal grandfather but having as next of kin several descendants of her paternal great grandfather, whose name was William McLane, the titles to the real estate of which she died seized and possessed, descended to and vested in these descendants of her paternal great grandfather, to wit; Robert C. McLane, William E. McLane, Daniel S. McLane, Adelaide Gilbert and Florence May Derr, all of whom are children of the said paternal great grandfather of the intestate; and also in Lucretia Haller and M. Rebecca Wilcoxon daughters of Ann V. Wilcoxon a deceased sister of the said Robert C. McLane and others, and Erma Louise Wilcoxon, an infant daughter of Urner Wilcoxon, deceased, deceased son of Ann V. Wilcoxon, deceased, the said Anna V. Wilcoxon having departed this life intestate, April 6, 1906, subject to the dower interest of the child's mother, Georgianna Stull McLane and Erma C. Wilcoxon, surviving widow of Urner Wilcoxon who departed this life intestate some time after his mother's death on April 6, 1906.

Rufus A. McLane having departed this life intestate on November 25, 1901, seized and possessed of the aforementioned real estate, consisting of a house and lot and an adjoining lot, situated on the North side of West Patrick Street, Frederick City, Maryland, and described by three deeds filed in the case as Exhibits Nos. 1, 2 and 3, and the said real estate having descended upon his death to his son, Harry O. McLane, and the said Harry O. McLane