

No, 10321, Equity,

Edwin Devilbiss, a witness of lawful age, produced on the part of the Plaintiff being duly sworn and examined viva Voce, deposes and says as follows:-

My name is Edwin Devilbiss, I am Cashier of the Walkersville Savings Bank, of Walkersville, Frederick County, Maryland, I know all the parties to this suit,

I knew Mr, George W, Stauffer, in his lifetime, he died in January 1921, During his lifetime he owned a property in Walkersville, situate, lying and being on Fulton Avenue, which he acquired by two deeds, one from Noble H, Crum and Emma F, Crum, his wife, bearing date the 20th day of April, 1904, and recorded in Liber S, T, H, No, 265, folio 544, the second from Bertha M, Grabill, dated October 5th, 1904, and recorded in Liber S, T, H, No, 269, folio 515, I look at Exhibits A, B, which are now handed me and they correctly describe the property mentioned in these proceedings,

I was familiar with most of Mr, Stauffers, business transactions, and as a matter of fact advised with him in most of his business affairs, About the 10th day of February 1920, he talked to me about giving his three children some evidence of indebtedness, which was due them from him He said that his two sons had from time to time advanced him various sums of money, mentioning particularly items of \$250, given him by both his sons, Ralph and Frank, just a short time before the date I talked to him, This money was advanced to him by his sons for the purpose of aiding him in buying or in the purchasing of a Buic Automobile, If I remember correctly the details of this transaction, He owed them from the proceeds of the farm which they operated jointly the sum of \$250, each and the boys told him to retain this money and apply it to the purchase of the Automobile which at that time he seemed to want, Mr Stauffer considered this advanced in the nature of a loan from the boys, and he said they had given him other sums from time to time prior to this date, He wanted to close the various accounts he had with his Children by some evidence of indebtedness, and I think I suggested to him that he give a note to each child, He accordingly drew up three notes dated February 10-1920 for \$1000, each, payable respectively to his son Ralph W, Stauffer, to his son Frank N, Stauffer and to his daughter Oda N, Conner he showed me one of these notes at the time and asked me whether that was in correct form, I look at Exhibits C, D, and E, they are notes given to Ralph W, Stauffer, Oda N, Conner and Frank N, Stauffer, They are in the hand writing of George W, Stauffer and the Signature of George W, Stauffer with which I am thoroughly familiar.

In addition to the sums which his sons had advanced him from time to time and for which the notes, are given in part, he desired to transfer by these three notes, to his three children Ralph Frank and Oda, certain interests, which had come to him through the Children's Mother and which he desired in this manner to close by note, With the idea in mind of repaying the sums which had been advanced by his sons, and with the further idea of giving his three children any additional sums moving to him from their mother, he made a blanket transaction by giving the three notes referred to, in this cause,

Mr, Stauffer, being indebted as, I have just described, died on or about the 28th day of January last, An exhaustive search was made for a will, but it was found that he left none, and to the best of my Knowledge he died intestate, he left surviving him, in addition to the three Children hereinbefore mentioned, Ralph Frank, Oda who were children by a former marriage, and an Infant son, George Harris Stauffer by his present widow, Clara H, Stauffer, This Child is about eleven years old and lives with his mother in Walkersville,

At the time of his death Mr Stauffer left practically no personal estate, As nearly as I can recall, there was in his Checking account at the Bank, \$17, 00 and the only additional property that would be such interest as he had in his automobile, His Widow has advanced a large part of the purchase price of this car, and claimed the greater interest in that, so that the cash in Bank and the interest in the car, would represent his entire personal estate, which is insufficient to pay his funeral expenses, and debts, The house which he owned in Walkersville and which is described by the deeds hereinbefore mentioned is a comfortable home, well located, in Walkersville, and in my Judgment should bring at public sale in the neighborhood of \$4000,

TO THE GENERAL INTERROGATORY

A, The only thing that I can add to the testimony hereinbefore given is my knowledge of the method with which Mr Stauffer handled his accounts, He would bring in checks representing the sale of produce from the farm and deposit a portion of them to his account, dividing the balance equally between his two sons, who operated the farm, on a number of occasions would run short and he would sometimes overcheck his account, On all these occasions the overdrafts or shortages, were made good by money which he told me the boys would advance to him,

To the General Interrogatory

Nothing further,

Edwin Devilbiss,