

because it does not certainly appear to what relief the Plaintiffs are entitled, it is further ADJUDGED AND ORDERED that leave be granted to the Plaintiffs to take testimony before any one of the standing Examiners of this Court, in support of the allegations of the Bill.

Arthur D. Willard

(Filed July 14, 1931)

TESTIMONY.

John W. Leopold, (unmarried),	"	
Mary Runkles and Morgan P. Runkles,	"	No. 12,232 Equity.
her husband, et al.	"	
	"	In the Circuit Court for
vs.	"	Frederick County, in Equity.
	"	
George L. Leopold, Jr.,	"	
Marie B. Cornelius and Grover Cornelius,	"	
her husband, et al.	"	

- - - - - 0 - - - - -

The above cause being at issue and notice having been given me by the Solicitor for the Plaintiffs of a desire to take testimony in said cause, pursuant to the decree proconfesso of your Honorable Court, I, Albert S. Brown, one of the standing Examiners of your Honorable Court, duly appointed, qualified and sworn, met the parties to said cause at the office of D. Princeton Buckey, Esq., in Frederick City, Maryland, on Tuesday, July 14, 1931, at the hour of 10 o'clock a. m., and then and there in the presence of the Solicitor for the Plaintiffs and the witnesses proceeded to take the following depositions, towit:

Present: D. Princeton Buckey, Esq.,
Solicitor for Plaintiffs.

Witnesses.

Morgan P. Runkles
David B. Lewis

Exhibits "A - "B" and "C" and No. 1-2 filed with the Bill of Complaint, filed with the Examiner as evidence and are so marked.

Morgan P. Runkles, a witness of lawful age, and being one of the Plaintiffs in this cause, having been duly sworn by me, deposes and says:

My name is Morgan P. Runkles, the husband of Mary Runkles, who is one of the Plaintiffs in this cause, and we are both over 50 years of age and reside in Knoxville, Frederick County, Maryland, and I know all the parties to this suit.

My wife's mother, Mary E. Leopold, died on or about the 15th day of February, 1931, (her husband, John H. Leopold, having predeceased her for several years) and at the time of the death of Mary E. Leopold, she left a will which has been duly admitted to probate in the Orphans' Court of Frederick County, Maryland, a certified copy of said will being filed herewith as Exhibit "No. 1" and that I have given no notice to creditors, as she left no personal estate to administer upon. The will contained no power of sale of the real estate mentioned in the Exhibits filed in this proceeding, hence we had to file a Bill in Equity to sell the real estate of which Mary E. Leopold died seized and possessed, which deed for said real estate is herewith filed as Exhibit "No. 2" which, together with all other Exhibits, has been prayed to be considered by your Honors as a part of these proceedings.

That since the purchase of the original tract described in Exhibit "No. 2" the said Mary E. Leopold has sold off of the original tract certain parts and parcels of the same, by the following deeds:

1st - To the Baltimore & Ohio Railroad Company, which tract is described in Exhibit "A" in this cause, containing 0.14 of an acre, which is filed in these proceedings.

2d - Mary E. Leopold also conveyed from the original tract to Amelia E. Leopold and