

Frances C. Smith and George I. Smith, her husband,

And as in duly bound.

Holden S. Felton
Solicitor for the Plaintiffs.

The Defendants, Frances C. Smith and George I. Smith, her husband, having failed to appear and answer said Bill of Complaint;

It is thereupon, this 3rd day of December, in the year 1943, by the Circuit Court for Frederick County, sitting as a Court of Equity, and by the authority thereof, ADJUDGED, ORDERED AND DECREED that the Plaintiffs are entitled to relief in the premises. Put 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 to support the allegations of the Bill of Complaint.

Edward T. Delaplaine
Judge of the Circuit Court for
Frederick County.

Filed December 3, 1943

TESTIMONY

Irving E. Staley, Executor, etc., Stanley Vincent Sanner, et al.	"	No. 15015 Equity.
	"	In the Circuit Court
vs.	"	for Frederick County,
Mollie M. Staley, surviving widow, etc., Frances C. Smith, et al.	"	In Equity.

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 Plaintiffs of a desire to take testimony, I, C. Clifton Virts, one of the standing Examiners of your Honorable Court, duly commissioned, qualified and sworn, having assigned the 17th day of December, 1943, at 2:30 o'clock p. m. at the law office of Holden S. Felton, Esp., Pythian Castle building, Frederick, Md., as the time and place for taking testimony in said cause, did at the appointed time and place proceed to take the following depositions, to-wit:

Present: Holden S. Felton, Esq., Solicitor for Plaintiffs.

No appearance for Defendants.

Witnesses: Irving E. Staley,

Howard A. Gross.

Irving E. Staley, a witness of lawful age, produced on the part of the Plaintiffs, being first duly sworn, deposes and says:

By Mr. Felton:

1Q- Mr. Staley, state your name, age and residence?

A- Irving E. Staley, 57 years, 207 Dill Avenue, Frederick, Md.

2Q- Mr. Staley, you are a brother of Charles A. Staley, deceased?

A- Yes, sir.

3Q- When did your brother die, Mr. Staley?

A- My brother, Charles A. Staley, died in February, 1943, testate, and at the time of his death he was seized of two farms, and a house and lot on the North side of Dill Avenue, in Frederick City, Md. He left his wife, Mollie M. Staley, surviving him. They had no children born of their marriage. By his last Will, which was filed in the Orphans' Court of Frederick County, I was appointed Executor to settle his estate. Now I would like to offer in evidence a certified copy of the Will, marked Plaintiffs' Exhibit "No. 1."

(Which said Exhibit is herewith filed)

I have duly qualified as the Executor and am now acting as such and now want to offer in evidence Plaintiffs' Exhibit "No. 2," certified copy of Letters Testamentary granted to Irving E. Staley.

(Which said Exhibit is herewith filed)