jurisdiction of this Court in the premises, but excepts thereto, and insists that this Court is without jurisdiction to adjudicate upon its rights in said property.

VII. Further answering, this respondent says, that as early as the year 1870, the German Lutheran Congregation were an organized body of Christians, located in Baltimore town. That Frederick Brendel, the lessor in said lease, was a member of said congregation, and on the first day of May, 1791, he was a pew holder in its church. That on the first day of May, 1794, he was one of the church wardens; Peter Frick, John Braidenback and Erasmus Uhler, three of the lessees named in said lease, being of the number of its trustees, of whom there were six in all. That on the 15th day of May, 1804, the said church or congregation purchased at public sale, through and by Frederick Brendel, as its agent, from Samuel Chase, Jr., trustee under a decree of the High Court of Chancery, the lot of ground in question for a burial ground, for one thousand, one hundred and thirty-four dollars and twenty-one cents, and on the 5th day of June, 1804, the said church or congregation paid the said purchase money, and afterwards took a deed therefor in the name of said Frederick Brendel; which deed bears the date the 30th day of August, 1808, and was recorded among the Land Records of Baltimore county, on the second day of January, 1809, in Liber W. G. No. 100, folio 233, &c., simultaneously with the lease in said bill mentioned, the two instruments being parts of one and the same transaction - a certified copy thereof being herewith filed as part hereof, marked "Defendants' Exhibit J. C. No. 3;" and the said Frederick Brendel never was beneficially seized or possessed of said lot, but on payment

of said purchase money by said church or congregation, and the making of said conveyance to said Brendel, the beneficial use at once resulted to said congregation, or the members thereof who paid the purchase money aforesaid. That the title was taken in the name of said Brendel solely for their convenience, and he therefore executed the lease thereof, to the lessees therein named, Peter Frick, John Braidenbach, Erasmus Uhler and Henry Schroeder, trustees of said German Lutheran Church in the City of Baltimore, subject to the nominal rent of six cents yearly, if demanded, and from that day forward, neither the said Brendel, nor anyone claiming under him, has ever been in possession of said lot, or ever demanded or received the said rent so reserved. Nor did the said Brendel, nor anyone claiming under him, ever claim or assert any right or title to said lot or any part thereof, except that said Brendel held one-half interest in a small Lot No. 5, in said cemetery for the purpose of interment therein.

That said lot was purchased by said church or congregation as a burying ground for the remains of its deceased members; that immediately upon the execution of said deed from Chase to Brendel, and lease from said Brendel to said Frick and others, trustees, the said lessees took possession of said lot, and enclosed the same with a fence, and the same was held by said church or congregation as a place of interment for its deceased members, being duly enclosed, as aforesaid, down to the year 1874.

VIII. That said congregation so held possession of and used said lot under said lease to said trustees, Peter Frick and others, from the 2nd day of January, 1809, to the 20th day of September, 1830, a period of more than twenty years.