1860, and recorded among the Land Records of Baltimore City, in Liber T. E. S., No. 197, folio 471, &c. - a certified copy whereof is herewith filed, marked "Plaintiff's Exhibit B."

(Note: - This deed admits full payment of purchase money by Presstman to the trustee.)

(Here follow allegations shewing the devolution upon the plaintiffs at $6.375 of the title conveyed by Wysham, trustee, to Presstman.)

7. And your orators further show unto your Honor, that they now hold and represent, as aforesaid, the entire title acquired by the said George Presstman, (being that of all the parties to the said chancery suit,) by the deed aforesaid, from the said Henry C. Wysham, trustee, to him, in and to the said three lots of land which are respectively described in said two indentures of lease from the said George Presstman and wife, to the said Joseph C. Bowen; but they are advised and therefore charge, that by reason of the fact that the said Albert E. Waters, Francis H. Waters and Julia Isabel Waters, the three youngest children of the said Mary Augusta Waters, formerly Hitch, were not born until after the said decree for sale, passed by the Superior Court of Baltimore City in said cause of Hitch, et. al. vs. Davies, on the 26th day of March, 1860, and were, therefore, not made parties to said proceedings, nor concluded thereby, as the law then stood, the said George Presstman did not acquire their title in and to the said property so sold to him, and the said Albert E. Waters, Francis H. Waters and Julia Isabel Waters are tenants-in-common with your

orators of the said three lots of land, subject only to the contingency of their predeceasing their mother, Mary Augusta Waters; and they are the persons who, if the contingency of their mother's death were now to occur, would be in common with your orators all of the absolute owners of the fee-simple estate in said three lots of land, and all the persons are parties to this proceeding who would be entitled to an interest therein if the contingency of the death of said Mary Augusta Waters were now to happen.

8. And your orators also show unto your Honor, that the said William George Krebs, who was acting as testamentary trustee under the will of said Solomon Betts, deceased, at the time of the institution of said case in chancery in the Superior Court of Baltimore City, has since departed this life, as has also the said Mary Davies, the daughter of said testator, and no testamentary trustee has been appointed to act in his stead, inasmuch as the legal title in the property so devised has, under the provisions of said will, become vested in the parties beneficially interested in said property.

9. And your orators further show unto your Honor, that in said chancery proceeding in the Superior Court of Baltimore City, the said then living infant children of the said Mary Augusta Waters, to wit: William Francis, Mary Augusta Waters, the younger, and Edmund C. Waters, now deceased, were plaintiffs by their next friend Hugh Dary Evans, but were not made defendants in the original bill nor formally summoned to answer the same, although they were subpe-