Answer of William Francis Waters and Mary Augusta Waters.

(Filed 16th July, 1889.)

Roche, et al.,
vs.
Waters, et al.
} In the Circuit Court of Baltimore City.

To the Honorable, the Judge of the Circuit Court of Baltimore City:

The answer of William Francis Waters and Mary Augusta Waters, to the bill of complaint of Henry C. Roche, and others, against these defendants and others, in this Honorable Court exhibited, respectfully represents:

1. These defendants admit the facts stated in the first paragraph of said bill, and that Exhibit A. therein mentioned, contains a correct extract from the will of Solomon Betts, deceased.

2. They admit the facts stated in the second paragraph of said bill.

3. These defendants deny what is alleged in the third paragraph of said bill, that they, together with their mother, Augusta Waters, and their grandmother, Sarah M. A. Hitch, filed a bill in equity in the Superior Court of Baltimore City, against Mary Davies and Solomon Betts Davies, for a sale of the property in said paragraph third of said bill mentioned, in order to pay a large arrearage of taxes, assessments for opening streets, &c. They are informed that a bill

was filed in said Court in which their names appear as complainants, but they aver that, at the time of the filing thereof, they were infants of tender years, as will appear from the facts stated in the second paragraph of the bill in this case, and were infants at the time the decree in such case was passed and the sale made, and all other proceedings had. They deny that they were parties to such proceedings, or in any way bound thereby, or that their rights and interests in the property pretended to have been sold under the decree in said cause, passed under such sale to the purchaser thereof, or were in any way affected by the proceedings in said cause.

4. These defendants are ignorant of the facts stated in the fourth, fifth and sixth paragraphs of said bill, except in so far as they are disclosed in the exhibits filed with said bill, and referred to in said fourth, fifth and sixth paragraphs thereof.

5. These defendants deny that the plaintiffs now hold and represent the title of these defendants to the property mentioned in the seventh paragraph of said bill, but aver that if the contingency of their mother's death were now to occur, these defendants, together with their brothers, Albert E. Waters and Francis H. Waters, and their sister, Julia Isabel Waters, would be each entitled to one-fifth of said property in fee-simple.

6. These defendants admit the death of William George Krebs and Mary Davis, as set forth in the eighth paragraph of said bill, and aver that the estate of these defendants in said property is a legal and not an