equitable one, and does not require the interposition of a trustee.

7. These defendants deny, as is alleged in the ninth paragraph of said bill, that they were plaintiffs in said case in the Superior Court of Baltimore City of Hitch and Others, vs. Waters and Others. They admit that they were not made defendants in said case, and were not summoned to answer the bill therein. They aver that no guardian ad litem was appointed for them, nor were answers filed for them. They are informed that it appears from the proceedings in said cause, that they were summoned to answer a petition filed in said cause by Sarah M. A. Hitch and others, and that answers for them to said petition were filed by a guardian appointed for that purpose, but they deny that their being thus summoned to answer said petition, and their thus answering the same by their guardian, in any manner made them parties to the decree for a sale of the property previously passed in said cause. They aver that the sale made under said decree had been made and finally ratified and confirmed before said petition was filed. They deny that the sale made under said decree was for the benefit and advantage of these defendants, or that this Court can now ratify and confirm the sale made, so as to deprive these defendants of their interests in the property sold, and pass the same to the plaintiffs.

8. These defendants deny that it is advantageous to them that a sale of the property mentioned in the tenth paragraph of said bill should be made

and the proceeds reinvested upon the same uses and limitations prescribed in the will of Solomon Betts, deceased. They are informed that if the plaintiffs have any title at all to said property sold under the said decree of the Superior Court of Baltimore City, they have an estate for the life of the mother of these defendants, and as to whether the plaintiffs have this estate, these defendants are informed it is not necessary for them to answer. They aver that the plaintiffs are in possession of said property, and whether they hold said life estate rightfully or not, it will not be to the advantage of these defendants, or their brothers, and sister entitled with them in remainder, that said property should be sold.

Having answer all the allegations of said bill, which, as they are advised, it is material for them to answer, they pray to be hence dismissed with their costs.

And as in duty, &c.

Thomas S. Baer,

Sol. for William Francis and Mary Augusta Waters.

Note:- General replication filed July 23, 1889.

Note:- By consent of parties, it was ordered by the Court, July 24, 1889, that the question of law as to whether or not William F. Waters and Mary Augusta Waters, the younger, were concluded by the proceedings in the case of Hitch vs. Waters, in the Superior Court, and the sale therein reported, so as to be estopped to deny as against the purchaser from the trustee appointed by said decree and those claiming under