

deed being filed with the Bill and marked "Complainants' Exhibit No. 2" the said Marie Celeste Welty (under the name of M. Celeste Welty) conveyed the above mentioned two parcels of land, being the said farm and the said town property, to her husband, the said J. Bernard Welty, with the intent that thereafter she and the said J. Bernard Welty should hold the said two properties "as joint tenants and not as tenants in common", and particularly the said M. Celeste Welty intended by the said deed to convey the said land in such manner that upon the death either of herself or of her said husband, J. Bernard Welty, the two properties would become the sole property of the survivor. That the deed recites a consideration of all debts paid and farm improved and one dollar in hand paid, and natural love and affection, and in the granting clause conveys "in fee simple unto the said J. Bernard Welty all the undivided one-half interest in all the following described real estate, to have and to hold the said undivided one-half interest in said real estate with myself as joint tenants and not as tenants in common". That the deed was presumed written by a rural justice of the peace who was not a member of the bar; that the intent of the said M. Celeste Welty, grantor in the said deed, when viewed in the light of all the surrounding circumstances attending the execution of the said deed, is plain; that the intention of the grantor was to create an estate in her husband and herself which, upon the death of one, would pass the entire interest in the real estate described to the survivor.

5. Answering the FIFTH paragraph of said Bill, your Respondent says that the deed dated October seventh, 1905, was recorded on October 16, 1905 in Liber S.T.H. No. 271, Folio 299, one of the Land Records for Frederick County, and remained a public record for more than fifty years prior to the death of the said J. Bernard Welty. That upon the death of the said J. Bernard Welty, your Respondent and the Defendant, Tyson J. Welty, qualified as Executors of said decedent's will and promptly filed