

7, 1905 is not a nullity and is not a void attempt to create a joint estate in the said real estate as hereinabove set out. Your Respondent says that the said deed of October 7, 1905 was intended to and did constitute the said M. Celeste Welty and J. Bernard Welty, her husband, as joint tenants with right of survivorship of the property described in the said deed. And further answering said SIXTH paragraph of said Bill, your Respondent believes and so alleges that the properties involved in this proceeding have grown in value since the death of the said Marie Celeste Welty over twenty-nine years ago, and that most of said growth in value resulted from improvements made by the said J. Bernard Welty with the understanding that he was the surviving and sole owner of said properties and that the Complainants did not challenge said deed in court at the time of Mrs. Welty's death because they knew that Mr. and Mrs. Welty held everything jointly and if they had successfully challenged this particular deed, they would have won nothing because the low value of the property at that time would have resulted in Mr. Welty's inheriting either all or practically all of the properties as the surviving spouse. And because of the delay of the Complainants in bringing this proceeding, the rights of your Respondent have been prejudiced, evidence once available has disappeared and the Complainants have been guilty of laches.

7. Answering the SEVENTH paragraph of said Bill of Complaint, your Respondent states that the Respondent, Tyson J. Welty, is in possession of the farm devised to him by his uncle, J. Bernard Welty, and that Ethel Welty Gelwicks is in possession of the house in Emmitsburg as devised to her by her said uncle, and that both of said properties have been improved by the Respondents; that had not some of said improvements been made, the town house would have become seriously damaged by waste; that the said Respondents have asserted and claimed full and undivided fee simple title in said properties and the purchasers of said wood lot at the Executor's sale asserted and claimed full fee simple title to