

Shall have so taken the said answers, you are to send the same, closed up under your seal. Together with your certificate of your having assigned and appointed, such guardian as aforesaid, and this writ, unto me in said Court; Witness the Hon. Madison Nelson, Judge of said Court the 2<sup>d</sup>. day of July. Anno Domini 1855. Issued. 17<sup>th</sup> day of Aug. 1855.

Test.

Edw. Shivers Ck.

The answer of Maria L. Ebert, and Augustus Ebert, Infants under the age of Twenty one years, by Party, their guardian, to the Bill of Complaint of Valenus Ebert, and John M. Ebert, against them, & others, in the Circuit Court, for Frederick County sitting as a Court of Equity exhibited These Defendants, by their said guardian, saving and reserving to themselves now and at all times hereafter, all & all manner of benefit & advantage of exceptions to the manifold uncertainties, and imperfections, in the Complainants said Bill of Complaint Contained, for answer thereto, or to so much thereof as materially concerns this defendant to make an answer unto, they answer & say, That they believe it to be true, that Augustus F. Ebert, their late father, and John Ebert were partners in trade under the name and firm of John Ebert & Son, and that they as such-partners purchased of Rachel Steiner, the House, & Lot in question & that the said Rachel Steiner gave them a deed of conveyance of said House & Lot, a true Copy of which is exhibited in this case, by Complainants, marked exhibit A. These Defendants admit that the said John Ebert made and executed his Testament and last will, as stated in said Bill, and that the Complainants, are devisees, and legatees - These Defendants admit, that Augustus F. Ebert, the son of said John Ebert is dead, and that he died intestate, leaving these Defendants, and Octavus A. Ebert, his children, and only heirs at law, and Elizabeth A. Ebert his widow. These Defendants, cannot admit any of the Items in the account, of six hundred and Twenty one dollars, & fifteen cents, exhibited in this case, marked exhibit C. neither do they admit that any rent, or claim for rents, and profits of said House, and Lot is due, & owing to said Complainants from these Defendants, as stated in said Bill of Complaint. And these Defendants by way of answer to said bill of Complaint state that said pretended claim, or account, marked exhibit C. and the Items therein Contained did not, nor did any of them accrue, or arise within Three years next before the filing this bill in this Court, and that the said pretended claim is barred by the Statute of limitations, and these Defendants insist upon said Statute of limitations as a bar to this claim. These Defendants further state for answer that they are advised, that they as heirs at law of said Augustus Ebert, decd. are not in any way liable to the said Complainants, for any part of the rents, and profits of said House, and Lot, and that the pretended claim for rents, and profits of said House & Lot, that accrued, more than three years before the filing of this bill or the institution of this suit is barred by the Statute of limitations & these Defendants insist, that said pretended claim is barred by the Statute of limitations, and they claim said Statute as bar in this case, and these Defendants, being infants of tender years, submit their rights to the protection of this Court, and they claim to be protected from the payment of said State claims, or any part thereof, as they are barred by the Statute of limitations

Urbah. S. Party.