

No. 4648 Equity

appropriated to the part reduction of said purchase money; but a small amount will still be due which this defendant has been ready and willing to pay whenever a proper conveyance should be tendered to him.

And this defendant avers that he doth not now bring said balance into Court because said Complainant cannot legally make and execute a deed in fee simple for said land to this defendant and no conveyance signed by the heirs at law of said intestate hath ever been prepared or tendered to this defendant.

And this defendant further answering in this behalf saith that no tender of any deed was ever made to this defendant for said real estate and no deed executed or that could be executed by said Complainant as administrator of said Ann E. Martin would in law convey in fee simple or other title to this defendant and that until a conveyance properly signed and acknowledged by the heirs at law of said intestate is offered to this defendant, this defendant is under no obligation to pay the residue of said purchase money and that a decree ought not to pass for the sale of said real estate unless such deed be properly executed and acknowledged be first offered to this defendant.

And this defendant further answering saith he denies the right of said administrator as such to make a conveyance of said real estate; that said Ann E. Martin died owning the legal title hereto intestate and that thereupon the said legal title descended to and vested in her heirs at law, subject to the equitable rights of this defendant and that no proceeding before any tribunal has been instituted since the death of said Ann E. Martin against her heirs at law for the purpose of obtaining a decree authorizing the conveyance of said real estate discharged of and free from the interest or legal title of such heirs at law. Wherefore this defendant avers that said Complainant is in no condition to demand the payment of the balance of said purchase money due after deducting the several sums claimed as aforesaid by this defendant in addition to credits given by said Complainant, and that no decree should pass as prayed. And having fully answered he prays to be hence dismissed with his reasonable costs &c.

May 29, 1880.

Filed May 29, 1883.

J. M. Sherry
Solicitor for defendant

David C. Martin
Administrator &c of
Ann E. Martin dec'd
vs

No. 4648 Equity
In the Circuit Court
for Frederick County
as a Court of Equity

Leonard R. Haesche

To the Honorable the Judges of the Circuit Court for Frederick County as a Court of Equity.

Replication of
Complainant

The Replication of David C. Martin administrator of the goods, chattels &c of Ann E. Martin late of Frederick County deceased to the answer of Leonard R. Haesche respectfully states. That the Complainant by way of Replication saith that the Respondent hath not paid in part satisfaction of said purchase money of said real estate any sum or sums of money over and beyond that for which credit hath been given by Complainant in Exhibit No. 7. to the Bill of Complaint. Your Complainant by way of further replication to said answer saith that he denies that Complainant's intestate improperly applied any portion of the money paid to her by Respondent towards the payment of taxes on said property. Your Complainant for further replication to said answer saith, that by virtue of the provisions of the Code of Public General Laws of the State of Maryland in such

Agreement
of parties
decree

Decree