

3. They admit that Mary M. Mergan died intestate in the year 1909, childless and widow, as stated in paragraph 5 of said petition, but deny that she made any assignment to the Home for the Aged of Frederick City as stated in said paragraph.

4. They admit and aver that they are legatees under the will of Ann M. Englebrecht, and also that they are next of kin of Mary M. Mergan as set forth in the 6th paragraph of said petition.

5. Further answering said petition these respondents aver that the said Mary M. Mergan did not have in her lifetime a vested interest or estate in the residue of the estate of Ann M. Englebrecht disposed of by said will, or in any part of said residue, and by a true construction of said will in accordance with the intention of the testatrix, the share or portion of said residue which the said Mary M. Mergan would have taken had she survived Agnes Castle, the cestui que trust for life, now passes under said will to the other female children of Eve Margaret Schley and the children of any such deceased, per stirpes, as therein provided; and that even if the said Mary M. Mergan should be held to have had a vested interest (which these respondents deny as aforesaid) in that case the said interest has descended to her next of kin, including these respondents, she having died intestate and without having made a valid assignment or conveyance thereof, the exhibits filed in this case with the answer of the Home for the Aged being as they allege and submit insufficient and ineffective for that purpose, even if they had been intended by said Mary M. Mergan to convey said interest, which these respondents deny; and these respondents aver that the interest of said Mary M. Mergan in the sum of \$1000 bequeathed by said will as aforesaid, has likewise descended to her next of kin.

6. And these respondents respectfully request any pray, that inasmuch as there appears to be no question as to the disposition of the bulk of the estate yet to be distributed under said will, an audit be stated herein forthwith reserving to these respondents or any of them, as well as any other party in interest, the right to except to said audit or any portion thereof, to the end that the portion of said estate about the disposition of which there is no question may be promptly distributed to the parties entitled.

And as in duty &c.

Urner & Urner

Solicitors.

Emerg L. Coblentz

Chas. McC. Mathias.

ANSWER OF HOME OF THE AGED.

To the Honorable the Judges of Said Court--

The answer for the Home for the Aged of Frederick City, a body corporate to the petition against them and others in this case exhibited respectfully shows--

Thus respondent says by way of answer to said Petition--

1. That it admits to be true the first three allegations of said petition, and it admits the allegations of the 4th paragraph of said petition so far as the same is verified by the language of Exhibit A filed in this case.

2. Respondent admits that Mary Mergan was a child of Eve Margaret Schley and that she died as stated in the 5th paragraph of said petition intestate childless and a widow; and this respondent further answering said 5th paragraph says, that said Mary Mergan in her life time assigned and transferred in equity and good con-