a Court of Equity, J. Fenton Thomas, Jr., et. al., Plaintiffs in the above emtitled cause reppect-fully represents unto Your Honors--That they except to all that portion of the answer of Flora May Day and Husband filed by them in this cause as stated and set forth in paragraphs 9 and 10 of said answer for the reason that under said paragraphs the said respondents attempt to have Your Honorable Court pass upon and determine the effect of certain clauses contained in the will of Anna Mary Thomas deceasdd, as well as the legal effects of certain promissory notes given by said Anna Mary Thomas to the said Flora May Day and to have your Honors to construe said will of said Anna Mary Thomas, which such construction your respondents contend that Your Honors, in this cause are without jurisdiction.

These complainants state that so far as the remainder of said answer is concerned that these complainants join issue on the same so far as the same shall be taken to deny or avoid the allegations of the amended Bill of Complaint.

As in duty etc.

Charles C. Waters

Solicitor for complainants.

ANSWER TO AMENDED BILL OF COMPLAINT.

To the Honorable Judges of the Circuit Court for Frederick County-

The answer of the defendants by George A. pearre, Jr., and Harry C. hull, attorneys, to the amended Bill of Complaint filed against them in the above entitled cause respectfully shows unto Your Honors--

1. These respondents admit the allegations in the first, second, third,fourth, fifth, sixth and seventh paragraphs of said Bill of Complaint.

2. Ahswering the 8th paragraph of said Bill the respondents say, that it is for the Court to say what is the interest of the respondent parties under and by exhibit A.

3. They admit the allegations of the 9th, 10th and eleventh and 12th paragraphs of said Bill.

4. Answering the 13th paragraph of said Bill of Complaint these respondents say that it is for the Court to say whether or not the conveyance mentioned therein are null and void and what is the legal effect of said conveyances.

5. The respondents deny the allegations of the 14th paragraph of said Bill.

6. These respindents answering the 15th paragraph of said Bill of Complaint admit that the said farm is not susceptible of division if the legal title is now in more than one of the parties to this cause; and these respondents say, that it is for the Court to say who are the legal owners of said farm after a proper construction of the title exhibits hereib filed.

7. These respondents neother admit nor deny the allegations of the 16th paragraph of said Bill of complaint.

8. And these respondents further, answering the bill of Complaint; say, that Your Honorable Court has no jurisdiction under the Bill filed in this cause to pass upon the question of title as between the parties thereto. The Bill in this cause being for the purpose of partition amongst the parties thereto.

9. And these respondents further answering say, that prior to the execution of the deed Exhibit F by the respondents Flora May Day and Richard R. Day, for the real estate therein described, the said Anna Mary Thomas had executed her last will and testament as will appear by a copy of same herein filed marked Exhibit 11, that at the time of the making of said last will and testament the said Flora May Day was the owner of all the right, title and interest of the said Anna Mary Thomas in and to the said farm of 105 acres described in this cause, as fully appears by deed from the said Anna Mary Thomas by deed of date December 14th 1899,and filed herein as Exhibit E as well as all such interest and title to the said Flora May Day had by virtue of deed exhibit A filed herein; that by the said last will and testament it was the intention will and purpose of the said testatrix that the said Flora May Day shouls have said farm of 105 acres as fully appears by reference