

Waters, one of the defendants, appealed to the Court of Appeals of Maryland; which said Court of Appeals affirmed the decree of your Honorable Court, with costs to the appellees. Your respondent admits that the said Charles C. Waters died, seized and possessed of the real estate mentioned in the sixth paragraph of the supplemental bill of Complaint, which is more fully described by certified copies of the deeds filed as Exhibits "B" "C" "D" "E" "F" "G" and "H" to the supplemental bill of complaint, and that your respondent, under the decree of your Honorable Court, is seized of a one-half undivided interest in the said real estate, the other one-half undivided interest being in Rosa L.R. Waters, the widow of the said Charles C. Waters, the testator, and that no other persons are interested in the said real estate. That if the said Charles C. Waters had died intestate his heirs would have been his widow, the said Rosa L.R. Waters, and his half brother, John S. Waters. Your respondent admits that the real estate described in the supplemental bill of complaint is not susceptible of division among the parties entitled thereto without loss and injury, and that it would be to the benefit and advantage of all parties concerned that said real estate be sold and the proceeds thereof distributed among the parties thereunto entitled under the directions and supervision of your Honorable Court, and your respondent consents to such sale and to such division of the proceeds.

(Filed August 25, 1928)

Parsons Newman
Solicitor.

Rosa L.R. Waters, Executrix
of the Last Will and Testa-
ment of Charles C. Waters,
deceased.

Vs.

John S. Waters and the Holy
Cross, a Corporation.

" No. 11,557 Equity.
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" In the Circuit Court
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" For Frederick County,
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" In Equity.
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TO THE HONORABLE, THE JUDGES OF SAID COURT;-

The Petition of Rosa L.R. Waters, respectfully shows unto your Honors;-

1. That in this cause your petitioner has filed a bill for the sale of the real estate of which the said Charles C. Waters, died, seized and possessed, and that according to the Last Will and Testament of the said Charles C. Waters the title to said real estate vests in your Petitioner and the Order of the Holy Cross.

2. That according to the order and decree of your Honorable Court dated October 1, 1927, confirmed by the Court of Appeals of Maryland, the Order of the Holy Cross is entitled, as devisee and letagee, in remainder subject to legislative sanction as to the realty, to One-half of the residuary estate of the testator.

3. That by the acts of the General Assembly of Maryland, Senate Bill No. 435, now known as Chapter 573 of the Acts of the General Assembly of Maryland for the year 1929, the devise of the said Charles C. Waters unto the Order of the Holy Cross was sanctioned, as will appear by reference to the aforesaid Acts of the General Assembly of Maryland.

4. That an answer has been filed in the proceedings by the Order of the Holy Cross, consenting to the granting of a decree for the sale of the real estate herein mentioned.

WHEREFORE your Petitioner prays that a decree may be passed by your Honorable Court appointing a Trustee or Trustees to all the real estate herein described, and that the proceeds therefrom be distributed to the parties entitled thereto.

(Filed June 14, 1929)

Leslie N. Coblentz.
Attorney for Petitioner.

DECREE.

Rosa L.R. Waters

Vs.

The Order of the Holy Cross
a Corporation

" No. 11557 Equity.
"
" in the Circuit Court for Frederick
" County, Sitting as a Court of Equity.
" May Term, 1929.
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