

Further answering the said paragraph 2 of said Bill, this Respondent admits that the said Ida Horton died on or about March 23, 1934, but said Bill does not allege that the said Thomas Horton, one of the life tenants to the Alfred Bankard farm, is dead, although Respondent believes the said Thomas Horton is deceased, but if so, the same should be alleged in the Bill of Complaint.

Further answering said paragraph 2 of said Bill, this Respondent admits that Ethel Horton one of the children of Ida Horton, (and Thomas Horton) is dead and predeceased the said Ida Horton on November 3, 1918, leaving as her only heirs at law and next of kin the said William J. Strine, and a daughter Minnie Ethel Strine, who is at this time 17 years of age, but respondent denies that they or either of them have any interest in the several tracts and parcels of real estate under the language and terms of the Will of Sarah Ann Garber, deceased, "Exhibit Will D", unless your Honorable Court may decree to the contrary, under a judicial construction of said "Exhibit Will D".

Third:

That in answering paragraph 3 of said Bill of Complaint, this Respondent denies the allegations therein set forth and demands full proof thereof by the Plaintiffs.

WHEREFORE this Respondent having fully answered, prays that the Bill of Complaint may be hence dismissed, with his reasonable costs.

And your Respondent will ever pray, etc.

D. Princeton Buckey
Solicitor for Respondent.

(Filed April 16, 1935)

COMPLAINANT'S REPLICATION

IN THE CIRCUIT COURT FOR FREDERICK
COUNTY, SITTING AS A COURT OF EQUITY

EZRA P. HORTON, et al :
 :
VS. :
 :
 :
MINNIE E. STRINE, et al :
 :

NO. 13,058 EQUITY

TO THE HONORABLE JUDGES OF SAID COURT:

The Replication of Ezra P. Horton, Mary E. Horton, his wife, and William J. Strine, to the answer of Dr. T. H. Legg filed in this Court on the 16th day of April, 1935, respectfully shows:

1. That they join issue on the allegations contained in the first paragraph of said answer.
2. Replying to the second paragraph of said answer, these complainants say that it was not necessary or proper to refer to the said Thomas Horton or the fact of his death because Ida Horton, (then a widow of Thomas Horton, deceased) Ezra P. Horton, and Mary E. Horton, his wife, Ethel M. Strine and William J. Strine, her husband, executed a deed dated March 30, 1916, duly recorded in Liber 316, folio 461, one of the Land records of Frederick County, conveying fee simple title in the Alfred Bankard Farm unto David Rigler and E. Virginia Rigler, his wife, true copy of which said deed is filed herewith as part hereof marked "Bankard Farm Deed". Further answering said second paragraph, these complainants say that the said Ethel Horton, deceased wife of William J. Strine and mother of Minnie Ethel Strine, had a vested interest in said land, and there is no ambiguity about the matter.

3. These Complainants join issue on the allegations contained in the third paragraph of said answer.

Sherman P. Bowers
Attorney for Complainants.

(Filed May 1, 1935)