

Witness my hand and Notarial Seal the date above written.



J. Vernon Coblentz
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Notary Public

Filed September 8, 1939.

DEMURRER and ANSWER TO DEFENDANTS
SUPPLEMENTAL BILL.

William R. Crum and Susan M. Crum	"	No. 13,505 Equity
	"	In the Circuit Court
vs.	"	for Frederick County,
The Burgess and Commissioners of Middletown, a body corporate.	"	Maryland.
	"	In Equity.

To the Honorable the Judges of said Court:

The original Complainant in the above-entitled cause, answering the Defendants' Supplemental Bill, in the nature of a cross-bill or plea, filed in the within cause September 8, 1939, respectfully shows unto your Honors:

First: That the Complainants demur to the Defendants' Supplemental Bill and for cause of demurrer say:

(a) That Defendants in said Supplemental Bill have not stated in their Bill such a case as entitles them to the relief asked for against the Complainants.

(b) That the Defendants' Supplemental Bill is insufficient in law to entitle the Defendants to the relief prayed.

(c) That the Defendants' Supplemental Bill is vague, general and indefinite, and does not deny the original wrong upon which this suit is based.

Second: Answering the Defendants' Supplemental Bill the Complainants respectfully say:

(a) That they admit the matters and things stated in the first and second paragraphs thereof.

(b) That the Complainants admit asking for a trial and taking testimony upon the issues involved on the 11th day of September, 1939, and that the Complainants have no knowledge of what new facts were discovered by the Defendants, their agents and servants.

(c) That the Complainants deny that the dam or dams that turned the waters into the mill race were washed out or entirely destroyed by usual rainfall, but went out for some unusual reason unknown to the Complainants.

And further answering the fourth paragraph of said Defendants' Supplemental Bill, further aver that the course of Catoctin Creek has not been changed, but that said stream has been subject to flowing through an adjacent meadow unless kept within its proper channel, which since the extraction and use of the water by the Defendants has made this operation by the Complainants useless, and that said water of Catoctin Creek did not flow through an adjacent meadow, except in time of high water, until the Spring of 1939, since which time, for the same reason, it would be a useless expense on their part to have removed the gravel from the channel.

Third: Answering the fifth paragraph of said Defendants' Supplemental Bill:

The Complainants aver that they have used little, if any, water through their mill race since the diversion of the same by the Defendants for the use of their reservoir to supply the inhabitants of Middletown with water, as the amount left remaining in the creek after this diversion was insufficient to supply the mill with enough water to be profitably or efficiently operated.

And having fully answered, Complainants prayer that Defendants' Supplemental Bill be