respectively.

Agreement.

It is agreed between the parties to the above entitled cause, through their respective counsel, that this case shall be tried before the Judge, sitting as Court and jury, upon the following agreed statement of facts:

Statement of Facts.

Alexander Gould, Senior, late of Baltimore city, died in the year 1859, seized and possessed in fee simple, of a tract of land extending from the center of Wells street on the north, to the centre of Winder street on the South, and from Light street on the west, to the western boundary line of the property of John S. Gittings, between Jackson and Covington streets. (as said streets are laid down on the map of the city of Baltimore, made by the Commissioners appointed under the Act of 1817, chapter 148. section 12. commonly called Poppleton's Plat;") all of which land was vacant and unimproved at the time of his death. Said Alexander Gould, Senior, left a last will and testament, duly executed to pass real estate, and since duly probated in the Orphans' Court of Baltimore city, recorded in Liber No. 28, folio 479, in the office of the Register of Wills of Baltimore city. By said last will and testament he devised and bequeathed all the rest and residue of his property, real and personal, after the payment of debts and funeral expenses (which debts and expenses were paid out of funds in bank at the time of testator's death.) to his three sons, Alexander Gould, Jr., Benjamin F. Gould and William Wallace Gould, and the survivors and survivor of them, and the heirs and successors of the survivor, in trust, to sell the said real

and personal estate, and divide the proceeds thereof as in said will provided; and for that purpose did, by the provisions of said will, empower and direct the said trustees to sell the residue of the real estate of said testator, in their discretion, at public or private sale, and on such terms of payment as said trustees should deem most advantageous to their cestuis que trust named in said will; and the said will further contained the following provision:

"Eighth. I do hereby give and grant to my aforesaid sons, Alexander Gould, Jr., Benjamin F. Gould and William W. Gould, and the survivors and survivor of them, and the heirs and successors of the survivor, full power and authority to lay out and open, or to cause and procure to be laid out and opened, all such streets, lanes and alleys through and over my vacant and unimproved property, and through and over any part or parts thereof, as may be deemed advisable and necessary to the proper development of the value of my estate, or to the interest or advantage thereof; and all such streets, lanes and alleys, when so opened, to grade and pave, or cause and procure the same to be graded and paved, with full power and authority generally to the said trustees and the survivors and survivor of them, and the heirs and successors of the survivor, during the continuance of the trust conferred upon and imposed in them by this my last will, to superintend, manage, control and dispose of my estate and affairs as aforesaid; and to do, execute, transact and perform all and every act and acts, matters and things whatsoever in relation to and in any way touching or concerning the same, as fully in the same manner