Appeals, that Court reversed the said decree of this Court, and remanded the cause for further proceedings therein, and directed that the costs should be paid out of the "trust fund", and these respondents respectfully refer to the opinion of the Court of Appeals, now on file in the cause, for the direction by which said further proceedings are to be controlled; and they are advised that said opinion refers only to the Hotel grounds, and building, as the same were devised by the will of David Barnum, and does not decide that the Complainants are entitled to parts or shares thereof, nor that they are entitled to an account of the profits realized from the use and employment thereof.

And these Defendants deny that the Complainants became entitled to one-fourth part of one undivided fifth part of said Hotel building and premises, on the death of Ephraim Kirby Barnum.

And these Defendants admit that the said Andrew McSaughlin departed this life as stated in said bill, leaving the Defendants David B. McSaughlin, Augustus McSaughlin, William B. McSaughlin, Ephraim Kirby McSaughlin and Annie Gordon, (then Annie Barnum, wife of Zenas Barnum,) his heirs at law, all of them being the children of the said Andrew McSaughlin and Frances McSaughlin his wife, then deceased, who was a daughter of David Barnum in said bill mentioned: and they also admit that Andrew McSaughlin left a last will and testament, of which Exhibit A. filed

with said bill is a copy; and that by said will Zenas Barnum was appointed executor thereof, as stated in the bill, and also named as Trustee for certain purposes in said will specified, all which by reference to said copy of said will, which it is prayed may be taken as part of this answer, will more fully appear.

And they also admit that the said Zenas Barnum proved the said will before the Orphans' Court of Baltimore city, and obtained letters testimentary thereon, and they refer to the inventory and accounts filed and passed by him in said Court, copies of which they will hereafter produce if necessary, to show the amount of the estate which came into his hands; and they further admit that the said Zenas Barnum as the Trustee named in said will for that purpose, did, after the death of said Andrew McSaughlin, take possession of and carry on the said City Hotel, and so continued to carry on the same until his own death in April 1865.

And these respondents further answering say, that the said Zenas Barnum left a last will and testament, as stated in said bill, and thereby appointed Francis W. Bennett and Samuel H. Gagart executors thereof, and also appointed the said Bennett and Gagart, together with his widow Annie Barnum, now Annie Gordon, Trustees, for the purposes therein specified; and for the amount of the estate of the said Zenas, these respondents refer to the records of the Orphans' Court of Baltimore county, in which said estate was administered.