defendant refuses to comply with the terms of said sale, alleging that the plaintiff cannot convey such good and merchantable title to the defendant as is contemplated and intended in the contract of sale of said property, unless the heirs-at-law of said Robert Oliver, or some person competent to convey such interest if any they have in said property, unites in the same.

VIII. That the property acquired as aforesaid by said corporation, of which the lot above described is a part, is now improved by upwards of 100 dwellings and buildings, all of which are held by different persons, and that no questions as aforesaid was ever raised, known or considered as to their title to the same, until the same was raised and presented in the case of the African Methodist Bethel Church of Baltimore city versus Frank W. Trimble and James R. Trimble, a special case stated to the September Term, 1886, of this Honorable Court, and which case was carried by said Trimbles to the Court of Appeals of Maryland. And it is further agreed, that a duly certified copy of the said deed from Boyd, trustee, to said corporation, and the equity proceedings aforesaid, recorded in Liber W.H.H. No. 7, folio 11, &c., (and embraced in record in Trimbles' case) shall be treated as though embodied herein, and they are hereby made part hereof: and it is further agreed, that with the permission and sanction of the said Court of Appeals, to which this case is to be taken, that so much of the printed record of said Trimbles' case in the Court of Appeals as shall have any bearing upon the questions herein raised, shall be used and referred to, and to have the same effect at the trial of this case in the Court of Appeals as if the same were duly incorporated in the

record of this case to that Court. The questions raised for the decision of this Honorable Court are as follows:

1st. Did the African Methodist Bethel Church of Baltimore city acquire a good and merchantable title to the property described in the deed from Boyd, trustee, to that corporation, as against Robert Oliver, or his heirs or devisees.

2nd. Has not the plaintiff a good and merchantable title to the leasehold lot of ground and improvements above described.

3rd. Would not the plaintiff and his assigns at all times be protected to the extent of the value of the improvements upon said lot of ground, in case of any successful litigation by the heirs or devisees of said Oliver or those claiming under them, as to the property described in said deed from Boyd, trustee, to said corporation.

Frank Gosnell
Solr. for Thomas A. Swann,
Geo. R. Willis,
Solr. for Defdt, Kolb.

Decree Pro Forma.

(Filed 30th December 1887.)

Thomas A. Swann vs Augustus Kolb.	In the Circuit Court of Baltimore City.

That case having been submitted to the Court for a formal decree, pursuant to the general rules of equity practice of the State of Maryland, in order that it may be appealed to the Court of Appeals of Maryland, so that the questions involved therein may be considered by said last named Court:

It is, to that end, adjudged by the Court, pro forma,