property being built upon a part of the individual property.

17th x intry. What valuation did you put upon the machinery?

Answer. Thirty eight thousand dollars.

18th x intry. You valued it, then, as machinery permanently fixed to and constituting a part of the freehold, did you?

Answer. Yes.

Q. If, however, it should be properly regarded as the separate property of the city, and not as part of the freehold, your return would be erroneous and unfair?

Answer. Manifestly so.

The examination of this witness here closed.

Lennox Birkhead, a witness of lawful age, produced on behalf of the complainants, having first been sworn by me, the Commissioner, on the Holy Evangely of Almighty God, and examined to interrogatories orally propounded by the respective solicitors, and written below, makes oath, deposeth and saith as follows, viz:

Answer to 1st intry. by Mr. Robinson. I reside in Baltimore county; am a real estate broker, and was one of the Commissioners to divide the property mentioned in these proceedings.

2nd intry. In the report made by the Commissioners, to be found on the 1st page, the Commissioners report that the value of the improvements, including buildings, machinery and pipes, at the sum of $43,318. 57/100 [dollars] please state, if in the estimate was included the value of the pump house on said property?

Answer. Yes, sir.

3rd intry. Please state what value you placed on the pump house, and how you got at that value?

Answer. Three thousand dollars; we had the improvements valued by builders as to the value of the materials, and upon that based our calculation.

4th intry. Did you simply value the materials in the pump house?

Answer. Yes, sir.

Witness here x Examined by Mr. Alexander.

1st x intry. Who valued these improvements for you?

Answer. Hugh B. Hanna and Mr. Johnson; I forget his first name.

2nd x intry. Are these the gentlemen the Commissioners return as having given expert testimony?

Answer. Yes, sir.

3rd x intry. They were not in fact sworn, or summoned, or any notice given to the other parties to this suit?

Answer. No, they were not sworn, no notice was given, and no depositions were taken.

4th x intry. What, in your judgment, is the value per acre of that lot of ten acres?

Answer. $8,750.00.

5th x intry. Is there no difference in that land per acre?

Answer. I think not; in selling land per acre we do not value it different per acre.

6x intry. But in partitioning it do you not place different value to it per acre?

Answer. No, sir.

7th x intry. Then you say that every acre in the ten