A. I simply say that their original rent is more desirable than the sub-rents.

7xq. Why do you say that this property is not susceptible of partition in kind?

A. I can't see how you can divide six cents between 75 persons, and each one get a proportion that would amount to anything.

8xq. Do you not know whether the two and a half acres, out of which this six cent rent issues, is susceptible of partition in kind among the parties referred to interested therein?

A. Show me a plat and I can tell you.

Re-Examined.

By Mr. Trundle:

5q. I understand you to say that the property which is the subject of this suit, namely, the reversion of said tract, with the right to collect the rent of six cents, annually, is not susceptible of partition in kind; do I understand you correctly; which rent you have already valued at $100?

A. It is not susceptible of partition in kind.

Recross-Examined.

By Mr. Hughes:

9xq. Do you mean that the six cents rent, which is payable by the tenants every year, is not susceptible of partition in kind, or do you mean that the land which was leased, reserving the rent of six cents, is not susceptible of partition; which?

(Objected to as tending to confuse the witness, upon the ground that the rent of six cents issues out of the entire tract, is one undivided rent, and does not issue out of any particular part of it. Mr. Trundle.)

A. I mean that the six cents is not susceptible of partition.

10xq. Then you can't say that the tract of land, which was leased for the rent of six cents, cannot be divided or partitioned among the parties entitled thereto, subject to this leasehold interest, can you?

A. Show me the plat and I will tell you.

To the general question witness answers: I cannot.

B. F. Haines.

No other witnesses being named or produced to me, I then, at the request of the solicitors of the respective parties, closed the depositions taken in said cause, and now return them closed under my hand and seal, this 21st day of May, A.D. 1857, at the city of Baltimore, in the State of Maryland.

James E. Carr, Jr. [Seal]
Commissioner.

(Note.- The proceedings hereinbelow set forth, are those remaining of the case now on appeal.)

Petition of Zion Church and Order thereon.
(Filed 26th September, 1888.)

John G. Brendel, et al.,
vs.
Benneville Klopp, et al.
} In the Circuit Court of Baltimore City.

To the Honorable the Judge of the Circuit Court of Baltimore city:

The petition of the Zion Church of the city of Baltimore, one of the defendants in this case, respectfully shows:

I. That the bill of complaint was filed in this cause on the 10th day of May, 1888, and on the 13th day of June, 1888, this defendant answered the same, and on the 20th day of September, 1888, the plaintiffs filed the general replication there-