taxes while enjoying its use, and allowing accruing assessments, entirely uncalled for at this period, which, if permitted to continue and be paid off by partial sales of the land, will soon exhaust the estate, which was intended by the testator upon the happening of the contingencies in his will provided for, to be transmitted after the decease of the life tenant to these defendants intact, and in its improved condition.

These defendants further answering, deny, therefore, that it will be for the advantage and benefit of all parties concerned, that a sale of such part of the property aforesaid, as is prayed for in said bill, should be made; but on the contrary they earnestly protest against any such sale, as in direct violation of the intention of said testator, and not sanctioned by any of the Acts of Assembly of Maryland.

And these defendants having answered the allegations of the said bill of complaint, pray to be hence dismissed with their reasonable costs, &c.

And as in duty bound, &c.

Mary Davies
Sol. B. Davies.

Wm. Pinkney Whyte,
Solr. for Defts.

Note:- General replication filed.

Complainants' Exhibit Paving Bill No. 1.
(Filed with Commissioner December 6th. 1859.)

Frederick Pinckney,
Commissioner.

(Folio 111.)

City Taxes, 1857. Wm. T. Valliant,
City Collector.

M. A. Hitch,

To the Mayor and City Council of Baltimore, Dr.

For paving 1,258 feet, 8 in. at $ -
1,253 " , 6 in., Gilmor st. 207⅔ $5,216.94
2,512 2 in.

☞ The ordinances of the city make it the imperative duty of the collector to enforce payment by distraint upon all bills which are not paid previous to the 1st. day of Jany. 1859. If this bill is not paid previous to that date, I shall be compelled to enforce its payments by distraint.

Wm. T. Valliant,
City Collector.

Note:- Testimony was taken under a commission tending to prove that it would be to the advantage of the various parties, adults and infants, to sell the property, the defendants being represented by counsel and cross-examining the witnesses.

Note:- Decree filed March 26th, 1860, directing a sale of so much of the property as would be required to discharge the paving and grading taxes and assessments, and all other claims then properly due and owing to the Mayor and City Council of Baltimore, as well also of so much of said property as would repay the claim of H. Evelyn Wysham, for money advanced to discharge arrearages of taxes, and appointing Henry C. Wysham, trustee, and directing that the defendants pay the costs.