mortgage note by said Peter E. Tome, and that all costs of this suit of Susanna Popplein be placed on said Tome, and as Bennett, trustee, has tendered the sum of five thousand dollars to said Tome, and now tenders it, he asks that, on the production of said mortgage note he be ordered to assign said mortgage and note to the extent of five thousand dollars to John Whitney Bennett, trustee, Susanna Popplein, and her land having been first released from the operation and effect thereof, and that all the costs of this suit be placed on said Peter E. Tome.

And he further charges, that the estate of George H. Williams is indebted to the cestui que trust of J. Whitney Bennett, trustee, to the extent of about $1,000 on said mortgage of $6,000. and he asks this Court to pass an order requiring W. S. G. Williams, executor of George H. Williams, to pay said money due as aforesaid into the registry of this Court.

That as to the eighth paragraph of said bill, he denies that the statements therein in regard to Hannah E. Garitee and himself are true, but avers that they have tendered their proportion of the money due on said mortgage to said Eigon, trustee, and to said Tome, after he became the reputed owner of said mortgage, on more than one occasion, and having answered said bill fully, he asks that he be dismissed hence with his reasonable costs incurred.

William C. Garitee.

State of Maryland,

Baltimore County, Sct:

Personally appeared before me, the subscriber, a Justice of the Peace of the State of Maryland in and for the county aforesaid, on this fourth day of May, 1889, William C. Garitee and made oath in due form of law, that the matters and

facts contained in the foregoing answer are true to the best of his knowledge and belief.

Wm. Pole, Sr. J. P.

Docket Entry.

May 15th, 1890. Petition and order of Court making William S. G. Williams, executor, a party defendant in the place and stead of his father, Geo. Hawkins Williams, deceased.

Decree Pro Confesso.

(Filed May 15th. 1889.)

Susanna Popplein vs. William C. Garitee.	In the Circuit Court for Baltimore County. May Term, 1889.

The defendant, Peter E. Brenan, having been duly summoned to the bill of complaint, and having appeared thereto and failing to answer, and the defendant, John Whitney Bennett, having been twice returned non est, and the plaintiff having proceeded against him by order of publication as non resident, and in accordance with section 108, of Article 16 of the Code of Public General Laws, and having failed to appear and answer, it is thereupon, this 15th day of May, in the year eighteen hundred and eighty nine, by the Circuit Court for Baltimore county, adjudged, ordered and decreed, that the plaintiff is entitled to relief in the premises, and that the bill of complaint be, and is hereby taken pro confesso against said defendants; but because it doth not certainly appear to what relief the plaintiff is entitled, it