

and therefore this complainant, though her estate does not vest in possession until the death of her mother, Mrs. Sarah Hitch, has a standing to file the bill.

But I apprehend that, looking to the entire law, the Court is not at liberty to order a demise, unless it is made to appear affirmatively that the interest and advantage of all parties concerned, would be promoted by it, and such appears to have been the view of the solicitor, by whom the bill in this case was framed; the allegation being "that the said fifty acres," (the land proposed to be leased), "are at this time not as productive as they might be made, if they could be demised after the usual manner in the City of Baltimore, for terms looking to the creation of permanent ground-rents, which would be for the interest of all parties."

But the defendants, Jacob G. Davis and wife, and Solomon B. Davis, to whom the ultimate remainder is limited, whilst admitting that the property might be made more productive than it is now by proper cultivation, or by being leased on permanent leases, insist that should they ever become entitled to said property, these permanent leases at the present low prices of land, would be seriously injurious to them; and hence they deny the power of the Court to grant the prayer of the bill.

The proof in the cause sustains the theory of the answers, and shows most conclusively, that whilst the parties now in the possession and enjoyment of the property would be benefited by leasing it permanently, those to whom, under the will of Solomon Bates, it may ultimately pass, would, should that event happen, be materially injured, should it now be placed on permanent leases.

It is very true that, under the provisions of the will, neither Mrs. Davis nor her son, Solomon B. Davis, may ever have any interest in the property. This depends upon the death of Augusta Hitch, the complainant, without leaving issue living at that time. But should she so die, the limitations over to Mrs. Davis, and Solomon B. Davis, will take effect, and consequently, they are interested in the disposition which may be now made of the property; and the evidence clearly shows