Report fd 9th February 1865		3,790.00
By do as per 2nd Report	"	2,410.00
By do as per 3rd Report	"	39,719.16
		$45,919.16

And thereupon, On the same day and year aforesaid, the following Order Nisi was passed, and filed in said cause, to wit: In the Circuit Court for Baltimore City.

Ordered by the Court, this 10th day May 1865, that the aforegoing account be ratified and confirmed as stated and reported by the Auditor, unless cause to the contrary be shown within ten days of this date.

Samuel W. Evans Clerk

And, afterwards, to wit; on the thirty first day of May, in the year aforesaid, the following Exceptions to the Ratification of the Auditors Report, and Account was filed in said cause, to wit;

In the case of
George Meyer & al
vs
John Eisler & al

In the Circuit Court of Baltimore City

Exceptions of the Complainants, and of Francis Godfrey Meyer a Lunatic, and Elizabeth Meyer, his Committee, and of Clorinda Meyer, Defendants, to the account stated, and reported by the Auditor in this case on the 12th April 1865, and also to the claim of John Rose therein stated, and allowed pro-forma. These Exceptants except to the claim of the said John Rose, because; 1st By the true construction of the Will of the said Godfrey Meyer, deceased, his whole Estate, and property was devised to, and vested in his wife, Ann Meyer, since deceased, and the said John Eisler, in Trust for the uses, therein mentioned, and was not to vest, and did not vest in his children until his youngest living child, (this defendant Clorinda Meyer,) attained the age of Twenty years, to wit; not until the 23rd day of December 1863, and that before the said 23rd day of December 1863, and before the expiration of Twenty years from the death of the said Godfrey Meyer, to wit; on the 28th day of September 1861, she the said Elizabeth Meyer, wife of the said John Rose, departed this life without ever having had a child born alive &

2nd That the Estate of which the said Godfrey Meyer, died seized and possessed, vested on the said 23rd day of December 1863, after the death of the said Elizabeth, (who died on the 28th September 1861 without ever having had a child born alive) in those children of the said Godfrey Meyer, both of the first, and second marriage, who were then living, per capita, and the issue of any one who might

die before the time of distribution, in loco parentis, to wit; in these Exceptants, &

3rd That the intention of the Testator was to distribute the rest, and residue of his Estate, "Amongst his children living when the distribution was to be made, per capita, without regard to the distinction between whole, and half blood, and excluding the mother of the youngest child, if said youngest child, died before the time of distribution, and without issue, and to admit the descendents, of any child, who might, die before the distribution to come in, in loco parentis, hence the necessity of postponing the vesting of the Estate, both Real, and Personal in his children, until the time for the distribution as fixed by the Will.

4th The said Elizabeth Meyer, wife of the said John Rose, and daughter of the said Godfrey Meyer, never had any vested right, title, interest or Estate, in any part of the Estate, and property of which the said Godfrey Meyer died seized or possessed &

5th The said John Rose, has not, and never had any right title, interest, or Estate in any part of the Estate, and property of the said Godfrey Meyer dec.d or of which he, died seized or possessed. Wherefore, these Exceptants pray the Court to overrule, and set aside so much of the said account, as allotts, and assigns, any part of said Estate to the said John Rose, and to ratify the rest of the said account, and to remand the case to the Auditor to state, another account, and distribute the part of the Estate so allotted to the said John Rose, to, and, amongst these Exceptants.

Wm Parkin Scott, Sol.r for Exceptants.

And afterwards, on the same day, and year aforesaid, the following agreement was filed in said cause, to wit

It is agreed that this account may be submitted for immediate ratification, excepting the last item thereof which assigns to John Rose surviving husband &c $2613.54/8. and that an Order be passed directing the Trustee to invest the said sum, and to hold the same with the dividends thereon subject to such future Order, as the Circuit Court or (in the event of an appeal) the Court of Appeals may pass, in relation to the right thereto, it being the intent that neither party, appealing shall be required to give Bond to prosecute his appeal.

Th. S. Alexander.
J. W. Campbell, for John Rose.
Wm Parkin Scott, for Trustee & Heirs

Whereupon, On the same day, and year Aforesaid, the Court here passed, and filed in said cause, the following Final-