And afterwards, to wit, on the eighth day of April, in the year last aforesaid, the following exceptions to the testimony taken under the remanded commission were filed by the complaints in said cause, to wit:

Barnum et al
vs
Gordon et al
} In the Circuit Court of Baltimore City.

The Complaints except to the evidence taken under the commission as follows: First. To all the testimony of D. A. Randall set forth in his answers to the third and fourth interrogatories, in which he professes to give the numbers and the history of the occupancy of certain rooms, because the same are not relevant to any of the issues named in this cause.
Second. To all the testimony of John Cushing junior. because he does not speak from any knowledge of his own but only from hearsay, and the account books of others.
Third. To so much of the testimony of Horace H. Robbins, and the exhibit H. R. No. 1. filed by him as part of his testimony, because no attempt is therein made to locate said work so claimed to have been done — whereby it might have been ascertained whether the said bill was against the old hotel or the added contiguity respectively, in whole or in part, and if in part, it does not show to what extent for such parts.
Fourth. To all the testimony of Caleb Forgey which seeks to establish a sum of from $60,000 to $70,000 as having been expended for alterations and improvements: (1) Because no particulars are given, and the answer is conjectural (2) Because all alterations and so-called improvements by tenants for life, or those

claiming under them, are as against remainder men mere legal waste, for which the said tenants for life are responsible, and do not in law lay any foundation for a claim for such improvements. (3) That the witness — speaks from opinion, estimate and conjecture, which is not admissible evidence. (4) And especially to his answer to the seventeenth interrogatory, because the same on its face establishes merely what is legal waste; and the same applies to the answer to the eighteenth interrogatory. (5) And to his answer to the nineteenth interrogatory, because the same is wholly conjecture.
Fifth. To all the testimony of James M. Lewis as relates to work done by him, because he does not distinguish as to how much was for ordinary repairs, and how much for what is termed improvements, but which these exceptants insist were legal waste, and to all the testimony of Frederick A — Simon for the same reasons. And to all the testimony of C. S. Collins, and especially the Exhibit C. S. — Collins No. 1. because the same was an expenditure for legal waste as above stated, and also to exhibit — C. S. Collins No. 2, because it is not therein distinguished how much of the expenditure therein set forth was for the old hotel, and how much for the new part, and because in his answer to the sixth interrogatory he says he cannot distinguish it, and because on cross-examination he states that he spoke not from actual knowledge, but from a vague idea, and because he is not a judge to impose upon these exceptants his opinion as to what are repairs and what not.
Sixth. And to all the testimony of Jacob H. Rein-