performance of said agreements and therefore it is unnecessary to reform them; that said defect of title has lately come to the knowledge of these Respondents.

9. Further answering these Respondents aver and will prove that the complainants are not seized of the quantity of land they claim to hold on the northeast side of Eutaw Place, neither had they any such quantity of ground at the date of said agreements, or at any time since, and therefore said agreements cannot be enforced.

Wherefore your Respondents pray that such other and further proceedings be had as may be necessary in both cases [they being practically one, they having been argued together in this Court and in the Court of Appeals, and the testimony taken in the one case used in both] to the end that substantial justice be done and the case finally decided upon their merits.

And as in duty bound

Richard Bernard and
Francis P. Stevens
Solrs. for Respondents.

State of Maryland
City of Baltimore Sct:

I hereby certify that on this 29th day of February 1884 before me the subscriber a justice of the Peace of the State of Maryland in and for the City of Baltimore personally appeared Richard Bernard administrator one of the defendants in the foregoing answer and made oath in due form of law that the matters and things set forth therein are true to the best of his knowledge and belief.

Geo. McCaffrey J. P.

The Defendants pray for leave to file the foregoing amended answer.

Richard Bernard and
Francis P. Stevens
Solrs. for Respondents.

In the Circuit Court of Baltimore City.

The matter of the within petition having been argued and considered the said petition is accordingly dismissed this 12th day of April 1884.

Edwd. Duffy.

Decree

(Filed 15th April 1884.)

Daniel J. Foley Trustee vs Nicholas Popplein et al	In the Circuit Court of Baltimore City March Term 1884.

The appeal heretofore prayed in this case by the respondents having been duly heard and determined by the Court of Appeals and the said Court by its decree bearing date the 21st day of February 1884. having remanded the case to this Court to the end that its decree dated the 25th day of July 1883 may be amended and the case proceeded with in accordance with the Opinion of the Court of Appeals accompanying its said decree and made part thereof, and now on file in these proceedings.

It is thereupon accordingly and in obedience to the said decree of the Court of Appeals this 15th day of April 1884 adjudged, ordered and decreed by the Circuit Court of Baltimore City that the agreement signed by Nicholas Popplein and John Eschbach under date of March 10th 1876 and heretofore filed in these proceedings as "Complainants Exhibit Commission No. 4" be and the same is hereby reformed by the insertion of the words "for the term of ninety nine