the estate of the said John Eschbach deceased as for rent to which the complainant was not entitled.

3. For that inasmuch as it appears by the decision of the Court of Appeals that the complainant was not entitled to specific performance of the written agreement as by him set up, and as the said agreement has only lately been reformed and made capable of enforcement (if at all) the estate of the said John Eschbach in the hands of these exceptants cannot be equitably charged as for rent accrued before such reformation.

4. Because the allowances of interest in the said accounts are improperly made and these exceptants particularly except thereto.

5. Because the personal estate of the said John Eschbach deceased in the hands of these exceptants which is now being administered in this Court in another cause does not appear to be sufficient to pay all the claims preferred against it including the claim of the complainants and it might and probably would be attended with great prejudice to these exceptants to decree payment against them absolutely of the said large claim of the complainant; and even if these exceptants personally would be protected by such decree it would be unjust and illegal to give a preference to the complainant over other creditors of the said John Eschbach deceased. And these exceptants plead insufficiency of assets and the pendency of the said administration as a defence against the said complainants claim as allowed in the said Auditors accounts.

6. These exceptants also except to the allowance of costs in this Court and the Court of Appeals made in the said Auditors accounts in favor of the complainants and against these exceptants

7. These exceptants also except to the allowance to com-

plainant of State and City taxes claimed to have been paid by him for want of proof of the said items and because the same are not proper to be allowed.

8. And for other grounds and reasons to be assigned at the hearing.

A. W. Macken

Solr for Exceptants.

Exceptions of Nicholas Popplein to Auditors Accounts.
(Filed 1st July 1884)

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

To the Honorable the Circuit Court of Baltimore City.

Nicholas Popplein excepts to the account of the Auditor filed in this cause June 21st 1884, and also to the account previously filed May 14th 1884 for the following reasons.

1st Because the several allowances therein made to the Complainant are not equitable nor are they sustained by the proof.

2nd Because as appears by the evidence now in the cause the complainant was without authority to make the lease in question, and therefore it is inequitable to charge the said Nicholas Popplein as for rent to which the complainant was not entitled.

3d Because the allowances of interest in said accounts are improperly made and this exceptant particularly excepts thereto.

4th. This Exceptant also excepts to the allowance of costs in this Court and in the Court of Appeals made in the said Auditors Accounts in favor of the complainant and against this Exceptant.