October Term 1884.

estate of the said John Eichbach deceased 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 Eichbach, deceased, in the hands of these exceptants, which is now being administered in this Court in another cause, doesnot appear to be sufficient to pay all the claims preferred against it inclusive of 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 Eichbach 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 account in favor of the complainant and against these exceptants.

7. These exceptants also except to the allowance to complainant of State and City taxes claimed to have been paid by her, for want of proof of the said items and also because the same are not proper to be allowed.

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

A. W. Macker

Solr. for Exceptants.

October Term 1884.

Exceptions of Nicholas Popplein to Auditor's Accounts.
(Filed 1st July 1884)

Marella MacTavish 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 21. 1884 and also to the account previously filed May 14, 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.

2d. 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.

3rd. 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 said Auditors Accounts in favor of the complainant and against this exceptant.

5th. This exceptant also excepts to the allowance to complainant of State and City taxes claimed to have been paid by the complainant for want of proof of said items, and also because the same are not proper to be allowed.

6th And for other grounds and reasons to be assigned at the hearing.

Francis T. Stevens

Solr. for Nicholas Popplein.