free, clear and discharged of all claim of the parties to this cause and of any person or persons claiming by from or under them. And the said Trustee shall bring into this Court the money arising of such sale and the bonds or notes which may be taken for the same to be disposed of under the direction of this Court after deducting therefrom the costs of this suit and such commission to the said Trustee as this Court shall allow in consideration of the skill attention and fidelity wherewith he shall appear to have discharged his.

Thomas Perry

And thereupon the said John Terrence O'Byrne by his Solicitor aforesaid on the 28th day of March in the year 1855 prayed an appeal from the foregoing decree of the Court here to the High Court of Appeals of the State of Maryland; and to him the same was granted

It was therefore ordered by the said Court here that the Record and proceedings aforesaid with all things thereunto relating be transmitted to the said High Court of Appeals of the said State; and the same are transmitted accordingly.

Test. Isaac Nesbitt Clk

State of Maryland, Washington County. Sct.

I hereby certify that the foregoing is truly taken from the Record of proceedings of the Circuit Court for Washington County aforesaid

Seal

In Testimony whereof I hereunto subscribe my name and affix the seal of the said Circuit Court for the County aforesaid this fifth day of December 1855.

Isaac Nesbitt Clk

And now came into Court of Appeals here, as well the said John Terrence O'Byrne by William Motter Esquire his Attorney as the said Z. S. Claggett Adm. of Ann C. O'Byrne by Z. S. Claggett Esq. his Attorney; and thereupon on motion of the said Z. S. Claggett Adm. of Ann C. O'Byrne by his Attorney aforesaid it is ruled by the Court here that the said John Terrence O'Byrne assign the Errors in the record of proceedings aforesaid or in the giving the Decree aforesaid so as aforesaid brought before the Court of Appeals here for correcting the Errors supposed to be therein or Decree by the Court of Appeals here will be entered against him in default thereof and the said John Terrence O'Byrne by his Attorney aforesaid says that in the record of proceedings aforesaid and also in the giving of Decree aforesaid there is manifest Error in this Court, that, by the record aforesaid it appears that the Decree aforesaid in the plea aforesaid given, was given for the said Z. S. Claggett Adm. of Ann C. O'Byrne against the said John Terrence O'Byrne when by the law of the land that Decree ought to have been given for the said John Terrence O'Byrne against the said Z. S. Claggett Adm. of Ann C. O'Byrne therefore in that there is manifest Error and he prays that the Decree aforesaid for that Error and others being in the record of proceedings aforesaid may be reversed annulled and held entirely as void and that he the said John Terrence O'Byrne may be restored to all things which he hath lost by occasion of the said Decree and that the said Z. S. Claggett Adm. of Ann C. O'Byrne may rejoin to the Errors aforesaid and so forth. And thereupon it is ruled by the Court of Appeals here, that the said Z. S. Claggett Adm. of Ann C. O'Byrne join in the Errors by the said

John Terrence O'Byrne above assigned in the record of proceedings aforesaid or Decree by the Court of Appeals here will be rendered against him in default thereof; And the said Z. S. Claggett Adm. of Ann C. O'Byrne as aforesaid by his Attorney aforesaid prays that a day may be given to him to join in the Errors by the said John Terrence O'Byrne above assigned in the record of proceedings aforesaid, until the first Monday in December next, and to him it is granted; the same day is also given to the said John Terrence O'Byrne then &c. At which said First Monday in December being the third day of the said month in the year of our Lord one thousand Eight hundred and fifty five which said day was given to the said Z. S. Claggett Adm. of Ann C. O'Byrne to join in the Errors by the said John Terrence O'Byrne above assigned came again into the Court of Appeals here the parties aforesaid by their Attorneys aforesaid; and the said Z. S. Claggett Adm. of Ann C. O'Byrne by his Attorney aforesaid, says, there is no Error in the record of proceedings aforesaid nor in the giving of the Decree aforesaid and he prays that the Court of Appeals here will proceed to the examination as well of the record of proceedings aforesaid as of the matters aforesaid by the said John Terrence O'Byrne above for Error assigned and that the said Decree may be in all things affirmed and so forth; But because the Court of Appeals here are not advised what Decree to give of and upon the premises day therefore is given to the parties aforesaid, before the Court of Appeals here until the First Monday in June next to hear the Decree of the Court of Appeals here of and upon the premises for that the Court now here thereof are not advised and so forth

At which said First Monday in June being the second day of the said month in the year of our Lord one thousand Eight hundred and fifty six came again into the Court of Appeals here the parties aforesaid by their Attorneys aforesaid: thereupon further process of and upon the premises between the parties aforesaid, is, by virtue of an act of Assembly in such case made and provided further continued before the Court of Appeals here until the first Monday in December next; and the same day is given to the said parties there, then to hear the Decree of the Court of Appeals here of and upon the said premises and so forth.

And now at this day, to wit, the said First Monday in December being the first day of the said month in the year of our Lord one thousand Eight hundred and fifty six came again into the Court of Appeals here the parties aforesaid, by their Attorneys aforesaid. Whereupon as well the record and proceedings aforesaid and the Decree given in form aforesaid as the matters aforesaid by the said John Terrence O'Byrne above for Error assigned being seen and by the Court of Appeals here fully understood and mature deliberation thereupon had; for that it appears to the Court of Appeals here, that there is no Error in the record of proceedings aforesaid, nor in the giving of the Decree aforesaid. Therefore it is considered by the Court of Appeals here that the Decree aforesaid given in form aforesaid be in all things affirmed and stand in full force and Effect, the said Causes for Error above assigned and alleged in anywise notwithstandings.

Thereupon the Court of Appeals here passed their Decree in the words and of the tenor following to wit;