June Term 1862

Morris & Magnadier attys for defts
and afterwards to wit on the 24 day of February 1860 the said
defendant by William H Cowan Esq their Solicitor as aforesaid
filed in Court here the following Answer & Appeal to Wit,

Thomas Ward
vs
Michael McCabe & Margaret McCabe and Owen Finnigan

In Circuit Court of Baltimore City
Tuesday June Term 1860.

Mr Chairman please Enter an appeal from the order ratifying the proceedings and sale in the case and overruling the Exceptions in this case. W H Cowan Solicitor appellants.

Which was granted and afterwards to wit on the 27 day of said month in the year aforesaid the Auditor of said Court to whom the proceedings of said cause had been duly referred filed the following report and account to wit,

Ward
vs
McCabe & Finnigan

Circuit Court for Baltimore County
To the Hon. John H Price Chancellor

respectfully reports to your Honor that he has Examined the proceedings in this cause and from them has stated the within account. The Auditor has therefore called the Court attention to the practice of selling under the act of 1826 and doing away Evidence of indebtedness whatever as between Mortgagee and Mortgagor. The Auditor does not believe that the Court has jurisdiction in a cause where Creditors called for by the Mortgage are not filed to confirm a sale under the act of 1826. Respectfully submitted

R B A Parrott Auditor.

Dr The Estate of McCabe and Finnigan in acct Cr

With Robt B Boarman Esq Trustee

1862 Dec 1 To Trustees Comm	$42	1859		
Less the State tax	420	$3780,	1862 Dec By amt of sales	$660
To Trustees Expenses Trustee fees, To H Clerk State tax	420			
Cash	15,35			

June Term 1862

Do	265			
Staff	80			
Atty	40			
Auditor	467			
Deft Atty	10	47.67		600
		85.47		
To Balance		574.53		
		660.00	By Balance	574.53

and afterwards to wit on the 1st day of March in the year last aforesaid the Court have passed in said cause the following order to wit March 1st 1860 let the Writ of habeas fieri facias possessionem issue as prayed in the within petition which having been served as required by the Order of the 15 July 1860 and no cause to the contrary having been shown John H Price

Whereupon the Writ of Habeas fieri facias possessionem was accordingly issued in form following to wit.

Maryland Sct. The State of Maryland to the Sheriff of Baltimore County Greeting Whereas by a power of Attorney bearing date the 17 day of September in the year 1859 from a certain Thomas Ward to Robert B Boarman Esq in the cause of Thomas Ward against Michael McCabe and Margaret McCabe and Owen Finnigan, all that piece or parcel of ground which by Indenture bearing date on the 21 day of May in the year 1855 and Recorded among the Land Records of Baltimore County in Liber was conveyed by the said John T Shepley and Ann Shepley his Wife to the said Owen Finnigan and Michael McCabe was directed to be sold and Whereas Robert B Boarman the Trustee and Attorney appointed by the said power of Attorney did make sale of the same to a certain John Long which sale has been ratified by the Judge of the Circuit Court for Baltimore County and Whereas by a Subsequent Decree order made and passed in the said cause it was adjudged and decreed that