parties under the payment of Rhodes Note, but that the Contract was violated by Rhodes in procuring an antecedent conveyance of the deed, there can be no doubt that Marks never intended to relinquish his lien, and of the contract was between him and Rhodes, I think not hesitate to pass a decree for the Complainant, But a purchaser for valuable consideration, interposes, and the all important question arises whether he had sufficient Notice of the transaction to invalidate his title which is clearly a legal one. There is no evidence of any personal knowledge of the transaction by Crossman or others the purchaser at or prior to the time of the amount due or that any amount was due. On examination of the testimony of J Dean Smith and A Hobbs I think it satisfactorily clear that Mr. Kilbourne was Counsel for the purchasers at the time that fact was communicated to him at all before the execution of the deed to them. It is therefore this 8th day of July 1860 adjudged ordered and decreed that the Complainants Bill be and the same is hereby dismissed with costs to be taxed by the Clerk of this Court.

Nicholas Brewer Circuit Judge.

Appeal to Kent March 5th 1861.

And thereupon the said Samuel Marks by his Attorney aforesaid prays an appeal from the decree aforesaid of the Court here, to the Court of Appeals of the State of Maryland and to him it is granted.

It is thereupon ordered by the Court here that a transcript of the Record and proceedings in the cause aforesaid with all things thereunto relating be transmitted to the Court of Appeals of the State of Maryland and the same is transmitted accordingly.

The State of Maryland Harford County Sct

I hereby certify that the aforegoing transcript is a true and true copy taken from the Record of proceedings of the Circuit Court for Harford County.

In Testimony whereof I hereto set my hand and affix the seal of the Circuit Court for Harford County this 13 day of January in the year 1862.

(Seal)

W W Watkins Clerk

Complts Costs		Defts Costs	
Solr	$10.00	Solr	$10.00
Clerk			
Stiff Ten Co	50		
Bancroft	75		
Cir Court Costs	8.00		
Cost of Record	11.25		

And now came into the Court of Appeals here the said Samuel Marks by James McAuley Esquire his Attorney as the said B M Rhodes and others by A H Hobbs Esquire their Attorney and thereupon on Motion of the said B M Rhodes and others by their Attorney aforesaid it is ordered by the Court here that the said Samuel Marks 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 a Decree by the Court of Appeals here will be entered against him in

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default thereof and the said Samuel Marks 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 to wit that by the Record aforesaid it appears that the Decree aforesaid in the cause aforesaid given was given for said B M Rhodes et al against the said Samuel Marks whereby the Law of the land that Decree ought to have been given for the said Samuel Marks against the said B M Rhodes et al 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 to the said Samuel Marks may be restored all things which he hath lost by occasion of the said Decree and that the said B M Rhodes et al may reform to the errors aforesaid and so forth. And thereupon it is ordered by the Court of Appeals here that the said B M Rhodes et al form in the errors by the said Samuel Marks above assigned in the Record of proceedings aforesaid or Decree by the Court of Appeals here will be reversed against them in default thereof and the said B M Rhodes et al by their Attorney aforesaid say there is no error in the Record of proceedings aforesaid nor in the giving of the Decree aforesaid and they pray that the Court of Appeals here may proceed to the examination of the Record of proceedings aforesaid as of the matters aforesaid by the said Samuel Marks above for error assigned may seem 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.

Whereupon the Court of Appeals here passed their Decree which is in the words and of the tenor following to Wit.