which they respectively originally was $3488.50 cents and the Court ordered the dominus be released upon the payment of that precise sum with interest upon the several causes of action which consist of debts upon which Cunningham was liable as acceptor all of which mentioned before the date of these deeds are not set up on the record which results that they were plaintiffs in Error and before the Judge thereof and from them was estimated the precise amount of which the judgment was rendered. This appears to be conclusive proof by matter of Record that Cunningham was indebted to Dwyer before the execution of these Deeds. The Record in session shows that the instalment bill was issued on the 14th day of April 1855 and judgment was subsequently rendered against him for $1932.33 which must necessarily have been due when the suit was brought. I am therefore for the same reasons that I have given in regard to the Original Dwyer's claim that the Record in Earnest's case shows that his debts existed prior to the date of these Deeds. These complainants are therefore to be considered as antecedent Creditors to the amount of their respective judgments. From the foregoing views it will appear that I am of opinion that the validity of these deeds cannot be sustained. I must consequently pass a decree setting them aside and providing for a sale of the property conveyed by them for the payment of their complainants and such other Creditors as may be entitled to participate with them in the proceeds of such sale.

Wm Geo Krebs,

And thereupon afterwards to wit on the 6th day of April in the year last aforesaid the Court here passed and filed in said cause the following Decree to wit.

John Dwyer vs Thomas A Cunningham and others — In the Circuit Court for Baltimore City. March Term 1861.

This cause being ready for hearing and having been submitted for final hearing upon the respective solicitors and all proceedings therein having been read and considered. It is thereupon this 6th day of April in the year 1861 by authority of this Court adjudged ordered and Decreed that the two deeds from Thomas A Cunningham to Alexina Cunningham in said proceedings mentioned and impeached are and they are hereby declared to be null and void as against the complainant and others the Creditors of Thomas A Cunningham, who may have been such at the date of the execution of said deeds respectively and it is accordingly further ordered and Decreed that the property in the said deeds mentioned be sold by R Stockett and D C Reynolds be and they are hereby appointed Trustees to make said sale and that the manner and manner of their proceedings shall be as follows they shall first file with the Clerk of this Court a Bond to the State of Maryland executed by themselves and a surety or sureties to be approved by the Court in the penalty of fifteen thousand dollars conditioned for the faithful performance of the trust reposed in them by this Decree or to be reposed in them by any future Decree or order in the premises, they shall then proceed to make said sale having given at least three weeks notice by advertisement inserted in such Newspaper or Newspapers as they shall

think proper of the time place, manner and terms of sale which shall be one third cash and the remainder at three and six months in equal instalments the credit payments to be secured to the satisfaction of the said Trustees, and as soon as conveniently after such sale the said Trustees shall return to this Court a full and particular account of their proceedings relative thereto, with an affidavit annexed of the truth thereof and of the fairness of said sale and on obtaining the Court's ratification of the sale and on payment of the whole purchase Money (and not before) the said Trustees shall by a good and sufficient deed to be executed acknowledged and recorded according to Law convey to the purchaser or purchasers his Her or their Heirs the property sold to them or them sold free clear and discharged from all claim of the parties hereto, Complainant and Defendant and their claiming by from or under them or either of them, And the said Trustees shall bring into Court the money arising from said sales to be distributed under the decrees of this Court after deducting the costs of this suit and such commission to the said Trustees as this Court shall think proper to allow in consideration of the skill attention and fidelity wherewith they shall appear to have discharged their trust. And the said Trustees at the time of advertising said sale are directed to give Notice to the creditors of Thomas A Cunningham who were such at the dates of the two said deeds respectively to file their claims, with the vouchers thereof, with the Clerk of this Court within Ninety days from the day of sale; And it is further adjudged ordered and Decreed that the injunction heretofore granted and ordered in the premises be and the same is hereby made perpetual.

Wm Geo Krebs,

And afterwards to wit on the 1st day of May in the year last aforesaid the said John W Wright Abbie E Wright and Susan E Cunningham by their Solicitor aforesaid filed in said cause the following Prayer of appeal to wit,

John Dwyer vs Thomas A Cunningham and others — In the Circuit Court for Baltimore City

The Clerk of the Circuit Court for Baltimore City will please enter an appeal from the decree in this cause to the Court of Appeals in the behalf of the Defendants John W Wright and Abbie E Wright and Susan E Cunningham. May 1st 1861.

Wm Schley,
Solr for the Defendants
John W Wright and Abbie E Wright
his wife and Susan E Cunningham

And the said appeal being by the Court here granted. It is thereupon ordered by the Court here that a transcript of the Record and proceedings in the cause aforesaid with all things thereon relating be transmitted to the Court of Appeals of the State of Maryland, and the same is hereby transmitted accordingly,

Jas Robert J Kerr Clk

In Testimony that the aforegoing is a true and full and true transcript taken from the Record of proceedings of the Circuit Court for Baltimore City in the