M. Geo W. Teackle Solr for Resp.

And afterwards on the 24 day of June in the year last aforesaid the Court passed the following Order directing Auditor to state accounts to Wit.

Eliza McClellan
vs
Daniel B Banks

This cause having been submitted to the Court for decretal order with reference to an account and on the Bill and Answer and Testimony under the Interlocutory Decree and thereafter taken in the case and the Counsel of the respective parties having presented their arguments in the cause the proceedings in the cause have been read and considered and thereupon it is this 24 day of June in the year 1861 by the Court Adjudged and Ordered that an account be between the parties be taken in the premises and that the case be and the same is hereby referred to the Auditor accordingly who is hereby directed to state an account from the testimony in the cause conformably to the prayer and demand of the Bill with liberty hereby given to the defendant to have any other account or accounts stated by the Auditor and reported with the above ordered account as in such behalf said defendant may instruct the Auditor to state.

R. H. Martin.

And afterwards on the 7th day of November in the year last aforesaid the following Instructions to Auditor was filed to Wit.

McClellan vs Banks. | In the Superior Court of Baltimore City In Equity

The Auditor will please state an account on behalf of the respondent upon the facts set forth in his answer viz.

1st Treating the Conveyance of the ground rent as an absolute and unconditional purchase as shown by the deed from William W McClellan to the Respondent, Banks bearing Banks to receive the annual rent as the legitimate fruits of said purchase and not to be taken into account in estimating the amount of the Mortgage debt due to said Banks.

2nd Regarding the Mortgages as showing by the solemn and deliberate act of the parties the amounts admitted to be due at the time of their execution to allow the respondent six per cent interest upon the amounts so admitted to be due accordingly the terms and conditions of said deeds of Mortgage.

M. G. W. Teackle Solr for Banks

Whereupon the Auditor files in Court here the following accounts and Report to Wit.

Account A.

Dr Eliza A McClellan in a/c with Daniel B Banks Cr.

Account stated in accordance with the allegations and prayers of Complainants Bill of Complaint and testimony of Wm. W McClellan.

Interest upon Mortgage of $1000 from July 24 1844 with Amounts paid to G L Duvaney and Credits of order for rent from Mrs Hollins and amount paid by John H B Latrobe, as shown in detail by Auditors Accounts herewith marked A No 1 say due Daniel B Banks May 6th 1850	$ 675	32
Amount claimed to have been overpaid to Banks in the transaction of May 28th 1841 Crediting Daniel B Banks with the sum received for Gas Stock and accruing interest thereon and debiting him with the annual ground rents recd by him from Jno Tibson and the gross sum for which he disposed of the property to Tibson for as shown in detail by Auditors account herewith marked "A No 2"	636	05
	Dolls 39	27
This Amount brought up being sum assumed to be due said Banks as per statement aforesaid	39	27
To Interest upon same from the 8th July 1850 as charged by Bill to Oct 28th 1861.	27	74
To Principal of Mortgage of July 24th 1844 $1000 Interest on same as stated by Bill from May 6th 1850 to Oct 28th 1861 688.66	1688	66
Amount due Daniel B Banks	1755	67

Eliza A McClellan vs Daniel B Banks | In the Superior Court of Baltimore City In Equity To the Honorable Robert H Martin Judge &c

The Auditor reports to the Court that he has examined the proceedings in the above entitled cause and from them has stated the within account in which in obedience to the order of the Court he has stated the amount due between the parties to the cause in accordance with the terms of the Complainants Bill and the testimony of William W McClellan,

The account herewith and the detailed account filed with it A No 1 and A No 2 present the case in strict conformity to the terms of the Bill of Complaint, the Auditor having verified the calculations of interest &c; All of which is &c

Baltimore Oct 28th 1861. J Morrison Harris Auditor

Whereupon the Court passed the following Order of Ratification to Wit

Ordered this 7th day of November 1861 that the foregoing account of the Auditor together with his A No 1. A No 2 and B be ratified and confirmed as stated and reported unless cause to the contrary be shown within ten days from this date,

George E Langston Clerk
Superior Court of Baltimore City.

(Auditors Account A No 1.)

Eliza A McClellan in a/c with Daniel B Banks

To Interest on Mortgage debt of	$ 1000			
from July 24, 1844 to Jany 6. 1850 5 years 5½ Mos	327	50		
interest on this from Jany 8th to 6 May 1850 118 days	6	40	333	95
Amount W to Mr McClellans Note due Nov 30, 1847	40	62		
Interest to Jany 6. 1860 By 5 yrs 9 days	6	00	46	62
Amount W W McClellans Note due 26th Dec 1847	40	62		