to John T. Purcell dated the 24 day of September in the year 1852 and recorded among the Land Records of Baltimore City in Liber E.S.V. No. 20 folio 179 &c all and the residue of the ground remaining after separating therefrom the above mentioned Leasehold ground of Purcell which was conveyed in Mortgage as aforesaid in the Proceedings by Catharine M. McClellan to Daniel B. Banks by deed dated the 23 day of July in the year 1844 and recorded among Baltimore County (now City) Land Records in Liber T.R. No. 344 folio 462 &c

And it is further adjudged Ordered and decreed that on the payment or bringing as aforesaid into Court of said sum And the interest above specified the said Banks his Executors and administrators shall in manner aforesaid grant assign release and convey to said Eliza A. McClellan her Executors and administrators forever to enure to the use and benefit of Henry T. Ward his Executors administrators and assigns the ground conveyed by Mortgage by William T. McClellan to said Banks by deed dated the 6th day of May in the year 1850 and recorded among the Land Records of Baltimore County (now City) in Liber A.W.P. No. 434 folio 90 &c and all the interest and Estate, and term of years under said Mortgage Conveyance to the said Banks surposed to be vested in him thereon or thereof by said Mortgage.

And it is further adjudged Ordered and decreed that the defendant pay to the Complainant her costs in this cause, to be taxed by the Clerk of this Court, and further that said sum and interest be paid or brought into Court on or before the 10 day of March 1862.

R. N. Martin.

And thereupon the said defendant by his Attorney aforesaid prays an appeal from the Decree of the Court here as aforesaid passed to the Court of Appeals to be held for the State of Maryland and to him it is granted,

It is therefore Ordered by the Court that a transcript of the Record and proceedings in the cause aforesaid with all things thereunto relating be transmitted to the Court of appeals to be held for the State of Maryland, and the same is transmitted accordingly.

Test George E. Sangston Clk

In Testimony that the foregoing is a full and true transcript taken from the Record of proceedings of the Superior Court of Baltimore City in Equity in the therein entitled cause I hereto subscribe my name and affix the seal of the said Court this 25th day of January A.D. 1862.

Seal.

George E. Sangston Clerk
Supr Ct of Baltimore City.

And now came into the Court of appeals here as aforesaid the said Daniel B. Banks by Thomas Hall and Oliver Miller Esquires his Attorneys and the said Eliza A. McClellan by A. N. Madden Esquire her Attorney and thereupon on motion of the said Eliza A. McClellan by her Attorney aforesaid, it is ruled by the Court here that the said Daniel B. Banks assign the errors in the Record of proceedings aforesaid or in the giving the Decree aforesaid 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 Daniel B. Banks 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 plea aforesaid given was given for the said Eliza A. McClellan against the said Daniel B. Banks whereby the law of the land that decree ought to have been given for the said Daniel B. Banks against the said Eliza A. McClellan 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 the said Daniel B. Banks may be restored to all things which he hath lost by occasion of the decree and that the said Eliza A. McClellan may reform to the errors aforesaid, and so forth, and thereupon it is prayed by the Court of Appeals here that the said Eliza A. McClellan join in the errors by the said Daniel B. Banks above assigned in the Record of proceedings aforesaid, or decree by the Court of appeals here will be rendered against her in default, and the said Eliza A. McClellan by her Attorney aforesaid says, there is no error in the Record of proceedings aforesaid nor in the giving of the decree aforesaid, and 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 Daniel B. Banks above for error assigned; and that the said decree may in all things be affirmed; and so forth. Thereupon further process of and upon References between the parties aforesaid is by virtue of an act of Assembly in such cases made and provided, continued before the Court of appeals here, until the first Monday in December next, 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.

At which said first Monday in December being the first day of the said Month in the year of our Lord 1862 Come again into the Court of Appeals here the parties aforesaid by their Attorneys aforesaid, But because the Court of Appeals here are not yet advised what decree to give of and upon the premises, Thereupon this cause was regularly continued from term to term until the first Monday in October in the year of our Lord 1865

And now at this day to wit, the said first Monday in October being the second day of the said Month in the year of our Lord 1865 Come again into the Court of Appeals here the parties aforesaid by their Attorneys aforesaid. Whereupon as well the Record of proceedings aforesaid, and the decree given in form aforesaid, as the matters aforesaid by the said Daniel B. Banks 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 error in the Record of proceedings aforesaid and also in the giving of the Decree aforesaid,

Therefore the Court of Appeals filed their Decree in the Words and of the tenor following to Wit,

Daniel B. Banks vs. Eliza A. McClellan	Court of Appeals of Maryland. October Term 1865

The appeal in this cause standing ready for hearing, the Counsel of the respective parties over heard and the proceedings heretofore had since been read and considered by the Court, It is therefore this 28th day of February 1866 by the Court of Appeals of Maryland, and by the authority thereof Adjudged, Ordered and decreed that the decree of the Superior Court of Baltimore City sitting as a Court of Equity from which the appeal in this cause was taken be and the same is hereby reversed, and the cause hereby remanded to said Court, each of said parties to pay his and her costs respectively in this Court and in the Court below

Richard J. Bowie.
Price J. Potts Clough.
S. Mervis Bochran.
D. Weisel.

Test, George Carle Clerk,