Whereupon to Wit on the day and year aforesaid the said Commission was remanded to the Commissioner aforesaid, and the Commissioner aforesaid to whom the said Commission was remanded made return thereof to the Court hereof on the 8th day of December in the year aforesaid in form following to Wit,

The North Baltimore Building Association vs William D. Caldwell, In the Circuit Court of Baltimore City. Remanded Commission. At the Execution of the annexed Commission to me remanded by Order in that behalf of the Honorable the Judges of the Circuit Court of Baltimore City I Frederick Pinkney the Commissioner named in the said Commission named being also a standing Commissioner of the said Court duly appointed qualified and sworn did on the 5th day of Dec. in the year of our Lord 1865 at my Office in Lexington Street in the City of Baltimore and State of Maryland, and at the request of the respective parties assigned the same time and place for the examination of Witnesses under the said Commission, and proceeded in the presence of the said Solicitors to take the following depositions that is to say Edward L. Thomas a Witness of lawful age being now produced on behalf of the defendant being by me first duly sworn on the Holy Evangels of Almighty God, being examined on the following interrogatories to him propounded on that behalf makes oath deposeth and saith as follows, that is to say First Interrogatory State your residence and occupation. Answer I live in the City of Baltimore and am a member of the firm of Adams and Company Auctioneers in that City. Second Interrogatory Have you in your keeping, knowledge of a public sale of the property mentioned in these proceedings during the month of October 1859? If you do state such knowledge? Do Answer I have knowledge of that sale and was the officiating Auctioneer at it. The sale was duly advertised in the American before it took place. Third Interrogatory State the particulars of said sale. Answer I was the Auctioneer at the said sale which took place on the 20th of October 1859. The Company in attendance at it was very good. The property was purchased for thirteen dollars by S. Morris Cochran the Trustee for the North Baltimore Building Association, and was so recorded by me at the moment of sale. No other Witness being named or produced to me I then at the request of the Solicitors of the respective parties closed the said Commission and now return it closed under my hand and seal on the said 8th day of December in the year of our Lord 1865 at the City of Baltimore in the State of Maryland.

Frederick Pinkney Commissioner (Seal)

There are no Schedules to this remanded Commission. Frederick Pinkney Comr.

The Execution of this Commission appears by certain Schedules hereunto annexed. Frederick Pinkney (Seal) Commissioner

And afterwards to Wit on the 30 day of December in the year aforesaid the following Order for appearance for defendants or as filed in said cause to Wit, North Baltimore Building Association vs Wm. D. Caldwell In Circuit Court. Mr. Evans Enter our appearance for Defts. Morrison & Warner; And afterwards to Wit on the 15th day of December in the year aforesaid the following additional exceptions to the ratification of sale was filed in said cause to Wit, The North Baltimore Building Association vs William D. Caldwell, In the Circuit Court for Baltimore City. Additional exceptions filed by

the said William D. Caldwell to the report of said sale made by S. Morris Cochran Trustee as appears in said Report on the 20th day of October 1859. And the said exceptant objects to the ratification of said report of said sale, upon the following additional grounds. 1st Because the said Trustee as agent for the said Building association had for and purchased the property mentioned in these proceedings. 2d Because the said Building Association is not an incorporated Society. 3d For other reasons which will be made to appear at the hearing of these Exceptions. Morrison and Warner Solicitors for Exceptants.

Whereupon to Wit on the second day and year aforesaid the following agreement was filed in said cause, to Wit. It is agreed that the above exceptions should be considered as having been filed prior to the remanding of the Commission in this cause. Morrison and Warner Solicitors. Wm. A. Stewart for Complainants.

Whereupon afterwards to Wit, on the 20th day of December in the year aforesaid the Court here passed in said cause the following Order to Wit. The North Baltimore Building Association vs William D. Caldwell, In the Circuit Court of Baltimore City. Exceptions to Sale, In the matter of these Exceptions I am of opinion, after a careful examination of the whole subject, that the sale of made by the Trustee in this cause and by him reported on the 24th of October 1859, must be set aside. It Whereupon this 20th day of December 1865 by the Court Ordered, that the sale of the Mortgaged premises in these proceedings mentioned made, and by the Trustee reported on the 24th of October 1859 be and the same is hereby set aside. Wm. Alexander and afterwards to Wit; on the 4th day of January in the year of our Lord 1866, the following prayer of Appeal was prayed to Wit.

North Baltimore Building Association vs William D. Caldwell, In the Circuit Court for Baltimore City. Mr. Evans Clerk of Circuit Court of Baltimore City. Enter an Appeal from the Order of Court passed on the 20th day of December 1865 setting aside the sale to the North Baltimore Building Association, therein mentioned made by S. Morris Cochran Trustee in said cause. Wm. A. Stewart Solr. for North Balto. Building Association. January 4 1866. Which said Appeal being by the Court here allowed 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. Test Saml. M. Evans Clk.

In testimony that the aforegoing is a full and true transcript of testimony from the Record of proceedings of the Circuit Court of Baltimore City in the cause therein mentioned, I have set my hand and affix the seal of the Court aforesaid this 16th day of January in the year of our Lord 1866.

(Seal) Samuel M. Evans Clerk of the Circuit Court of Baltimore City

And now came into the Court of Appeals here as well the North Building Association by William A. Stewart and Henry Stockbridge Esquires their Attorneys, as the said William D. Caldwell by Schley Morrison and Warner Esqrs. his Attorneys and thereupon on Motion of the said William D. Caldwell by his Attorney aforesaid, it is ordered by the Court here that the said The North Baltimore Building Association assign the errors in the Record affecting