and from which said Decree the said Joel Gutman appealed to the Court of Appeals here, the tenor of which said Record of Proceedings is in form following to wit:

In the Circuit Court of Baltimore City.

Bill of Complaint.

(Filed 10th October 1887.)

Thomas H. Buckler, Surviving Trustee,

vs.

Joel Gutman.

In the Circuit Court of Baltimore City.

To the Honorable —. Upshur Dennis,

Judge of the Circuit Court of Baltimore city:

The bill of complaint of Thomas H. Buckler, surviving trustee, against Joel Gutman, respectfully represents:

First. That on or about the 15th day of November in the year 1865, by deed of that date from Eliza White, of Baltimore city, your orator and one Henry White, of Baltimore city, with certain powers and limitations, were appointed trustees of all the estate, real, personal and mixed, in possession remainder or reversion, now vested in, or hereafter to come to, the said Eliza White; which limitations and powers are more fully set out in said deed, which is filed herewith, and marked "complainants Exhibit A," and which your orator prays may be made a part of this bill.

Second. And your complainant alleges, that the said Thomas H. Buckler afterwards intermarried with the said Eliza White.

Third. And your complainant further alleges, that subsequent to said marriage, by a decree of the Circuit Court of Baltimore city, passed on the — day of —, 187—, in a suit for partition filed in that Court by Thomas H. Buckler and Eliza Buckler, his wife, Thomas H. Buckler and Henry White, trustees, and Charles Ridgley, of Hampton, vs Archibald Sterling, surviving trustee, a

leasehold interest in a certain piece of property situated on Eutaw street in the city of Baltimore, was allotted to said Henry White and Thomas H. Buckler, as trustees, to hold under the provisions of the deed of trust heretofore alluded to, and made a part of this bill; a more definite description of said property being as follows:

Beginning for the same at the corner formed by the intersection of the south side of Leider alley and the west side of Eutaw street, and running thence southerly bounding on the west side of Eutaw street nineteen (19) feet six (6) inches; thence westerly parallel to Leider alley thirty-seven (37) feet; thence southerly parallel to Eutaw street one (1) foot; thence westerly parallel with Leider alley sixty-five (65) feet nine (9) inches, to a ten (10) foot alley; thence northerly binding on the east side of said alley last mentioned, twenty (20) feet six (6) inches to Leider alley, and thence easterly bounding on the south side of said Leider alley to the place of beginning.

The whole yielding an annual rental of four hundred dollars ($400;) all of which is recorded in the Clerk's office of the Circuit Court, Liber J.H.B., No. 6, fol. 138, &c.

4. And your complainant alleges, that on the 25th day of December, 1882, his co-trustee, Henry White, died in the city of Paris.

5. And your complainant alleges, that on or about the 8th day of July, 1887, being possessed, as surviving trustee, of said piece of ground, a certain Joel Gutman, of the city of Baltimore, agreed in writing with your complainant to purchase the aforesaid property for the sum of nine thousand dollars ($9.000.) whereof the sum of $100 was paid as earnest money, and the balance was to be paid in cash, or at the end of one year, with interest, at the option of the purchaser — a copy of which agreement is filed herewith,