And thereupon the said Defendants, by their Solicitor aforesaid, on this first day of December, 1861, prayed an appeal from the decree of the Court here, so as aforesaid passed; to the Court of Appeals of the State of Maryland, and to them the same is granted; it is therefore ordered by the said Court here, that a record of the proceedings aforesaid, with all things thereunto relating, be transmitted to the said Court of Appeals of the State of Maryland, to be held at the City of Annapolis on the first Monday of June 1861; and the same are transmitted to the said Court accordingly

Test Isaac Nesbitt Clerk.

State of Maryland, Washington County, To Wit:

I hereby certify that the foregoing is truly taken from the Record of Proceedings of the Circuit Court, for Washington County aforesaid.

Seal of Court

In testimony whereof, I hereunto subscribe my name, and affix the seal of the Circuit Court for said County, this 29th day of June A. D. 1861.

Isaac Nesbitt, Clerk

And now come into the Court of Appeals here, as well the said John Highberger & wife and Daniel Hill and others by J. S. Clagett Esquire their Attorney as the said Sarah Stiffler by W. H. Syester Esquire her Attorney and thereupon, on motion of the said Sarah Stiffler by her Attorney aforesaid, it is ordered by the Court here, that the said John Highberger & Wife and others assign the error in the Record of Proceedings aforesaid, in the giving the decree aforesaid, so as aforesaid brought before the Court of Appeals here, for correcting the errors supposed to be therein, or a decree by the Court of Appeals here, will be entered therein in default thereof; and the said John Highberger and Wife & others by their Attorney aforesaid, say that in the Record of Proceedings aforesaid, and also in the giving of the decree aforesaid there is manifest error in this, to wit, that by the Record aforesaid, it appears that the decree aforesaid, in the cause aforesaid given, was given for the said Sarah Stiffler against the said John Highberger & Wife and others, when, by the law of the land, that decree ought to have been given for the said John Highberger & wife & others against the said Sarah Stiffler therefore in that there is manifest error, and they pray 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 they the said John Highberger & Wife and others may be restored to all things which they have lost by occasion of the said decree, and that the said Sarah Stiffler may rejoin to the errors aforesaid and so forth. And thereupon it is ordered by the Court of Appeals here, that the said Sarah Stiffler join in the errors by the said John Highberger & Wife and others above assigned in the Record of Proceedings aforesaid or a decree by the Court of Appeals here, will be rendered against her in default thereof; and the said Sarah Stiffler by her Attorney aforesaid, says, there is no error in the Record of



Proceedings aforesaid nor in the giving of the decree aforesaid, and she 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 John Highberger & Wife & others above for error assigned, and that the said decree may in all things be affirmed and so forth. Thereupon further process of and upon the premises between the parties aforesaid, is, by virtue of an Act of Assembly in such cases made and provided, continued by the Court of Appeals here, until the first Monday in June 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 June being the third day of the said month, in the year of our Lord one thousand eight hundred and sixty one, come again into the Court of Appeals here, the Parties aforesaid by their Attorneys aforesaid But because the Court of Appeals here are not as yet advised what decree to give of and upon the premises this cause was regularly continued from Term to Term until the first Monday in December in the year of our Lord one thousand eight hundred and sixty three. And now at this day to wit the said first Monday in December being the seventh day of the said month, in the year of our Lord one thousand eight hundred and sixty three come again into the Court of Appeals here, the Parties aforesaid by their Attorneys aforesaid. Whereupon as well the Record and Proceedings aforesaid, and the decree given in form aforesaid, as the matter aforesaid, by the said John Highberger & Wife and others above for errors 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 no error in the Record of Proceedings aforesaid nor in the giving of the decree aforesaid

Thereupon the Court of Appeals here passed their decree which is in the words and of the tenor following to wit:

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| John Highberger & Wife<br>Daniel Hill & others<br>vs.<br>Sarah Stiffler | Court of Appeals of Maryland<br>December Term 1863 |

The Appeal in this cause standing ready for hearing was argued by the counsel of the respective Parties, and the proceedings have since been read & considered by the Court, It is thereupon this eleventh day of May 1864, by the Court of Appeals of Maryland and by the authority thereof adjudged adjudged and decreed; that the decree of the Circuit Court for Washington County, passed on the 30th day of Nov. 1860,