and that the Complainants pay to the Defendants their costs of this suit to be taxed by the Clerk

John H Price

And on the same day Complainants by their Solicitor filed in Court here the following prayer of appeal to Wit.

Ann M Allher
vs
Jacob Wisner

Catharine Allher
vs
Jacob Wisner

Baltimore May 3d 1860.

In the Circuit Court for Baltimore County

Mr Clerk,

Enter prayer of an appeal and send docketing of cases to Court of Appeals so that the causes may be docketed to June Term 1860.

E Dealy Graff. Solr for Compts

Which was granted

And the Court thereupon directs a transcript of the Record of the proceedings of said cause to be transmitted to the next Court of Appeals of the State of Maryland and the same is transmitted accordingly.

Jno H Carman Clerk

State of Maryland Baltimore County to Wit

I Jno H Carman Clerk of the Circuit Court for Baltimore County in the State of Maryland hereby certify that the aforegoing Record together with the Appendix is a true and true transcript taken from the Records of proceedings of said Court in the causes therein mentioned

In testimony whereof I have set my hand and affix the Seal of the Court aforesaid this 9 day of May in the year of our Lord 1862.

(Seal)

Jno H Carman
Clk Circuit Ct Balto County.

And now came into the Court of Appeals here as well the said Ann Maria Allher and Catharine Allher by F B Graff Esquire their Attorney as the said Jacob Wisner and Benjamin C Barroll and others by T. P. Scott B. C Barroll and others A W Machen and R R Boarman Esquires their Attorneys and thereupon on Motion of the said Jacob Wisner Benjamin C Barroll and others by their Attorneys aforesaid it is ordered by the Court here that the said Ann Maria Allher and Catharine Allher assign the errors in the Record of proceedings aforesaid or in the giving the Decree aforesaid so as aforesaid sought before the Court of Appeals here for correcting the errors supposed to be therein or a Decree by the Court of Appeals here ought to enter against them in default thereof and the said Ann Maria and Catharine Allher by their Attorneys aforesaid say 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 cause aforesaid given, was given for the said Jacob Wisner Benjamin C Barroll and others against the said Ann Maria Allher and Catharine Allher whereby the Law of the Land that Decree ought to have been given for the said Ann Maria Allher Catharine Allher against the said Jacob Wisner

Benjamin C Barroll and others 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 Ann Maria Allher and Catharine Allher may be restored to all things which they have lost by occasion of the said Decree and that the said Jacob Wisner Benjamin C Barroll and others may return to the arms aforesaid and so forth. And thereupon it is ordered by the Court of Appeals here that the said Jacob Wisner Benjamin C Barroll and others from in the arms by the said Ann Maria Allher and Catharine Allher above assigned in the Record of proceedings aforesaid or Decree by the Court of Appeals here will be rendered against them in default thereof, and the said Jacob Wisner Benjamin C Barroll and others by their Attorneys aforesaid say there is no error in the Record of proceedings aforesaid, nor in the giving of the Decree aforesaid and they pray 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 Ann Maria Allher and Catharine Allher above for error assigned and that the said Decree may in all things be affirmed and so forth. Whereupon 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 before the Court of Appeals here until the first Monday in June next the same day is given to the said parties then there to hear the Decree of the Court of Appeals here of and upon the said premises all so forth.

At which said first Monday in June being the second day of the said Month in the year of our Lord 1862 came again into the Court of Appeals here the parties aforesaid by their Attorneys aforesaid But because the Court of Appeals hereof not yet advised what Decree to give of and upon the premises a day thereof is further given to the parties aforesaid with the consent of the said parties by their Attorneys aforesaid to come before the Court of Appeals here on the first Monday in December next to hear the Decree of the Court of Appeals here upon the premises for that the Court now here as yet advised &c.

At which said first Monday in December being the first day of the said Month in the year of our Lord 1862 came again into the Court of Appeals here the parties aforesaid by their Attorneys aforesaid

Whereupon the cause was regularly continued from Term to Term until the 24 day of January 1865.

And now at this day to Wit, the said 24 day of January 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 and proceedings aforesaid and the Decree given in same aforesaid as the matters aforesaid by the said Ann Maria Allher and Catharine Allher 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 no error in the Record of proceedings aforesaid, nor in the giving of the Decree aforesaid,

Therefore the Court of Appeals here passed their Decree which