Whereupon the Defendants by their Counsel R. J. Brent Esquire filed in Court here the following Order for an Appeal,

Ignatius Waters et al
vs
Warfield & others } Dr Walkins Enter an Appeal to the above case from the decree of the Court sustaining Corrected account A and rejecting Corrected account B as reported by the Auditor.
R. J. Brent for Warfield and others.

And the appeal is granted, Whereupon it is ordered by the Court here that the Record of proceedings of the above Entitled cause and all things thereto relating be transmitted to the Court of Appeals for Maryland and the same is transmitted accordingly

Test W. W. Walkins Clerk

Howard County Set

I hereby certify that the aforegoing is a true copy taken from the Record of proceedings of the Circuit Court for Howard County on the Equity side of said Court.

In testimony whereof I hereunto set my hand and affix the seal of the said Circuit Court this 28th day of January 1862

W. W. Walkins Clerk
Circuit Court for Howard County.

And now come into Court of Appeals here as well the said L. Warfield and others by R. J. Brent Esq his Attorney as the said Ignatius Waters by James Macubbin Esquire his Attorney and thereupon on Motion of the said Ignatius Waters by his Attorney aforesaid it is ordered by the Court here that the said L. Warfield and others assign the errors in the Record of proceedings aforesaid or in the giving the Decree aforesaid, for which aforesaid brought before the Court of Appeals here for correcting the errors supposed to be therein or Decree by the Court of Appeals here not be entered against them in default thereof and the said L. Warfield and others by their Attorney 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 with cause aforesaid given was given for the said Ignatius Waters against the said L. Warfield and others whereby the Law of the Land that Decree ought to have been given for the said L. Warfield and others against the said Ignatius Waters 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 L. Warfield and others may be restored to all things which they have lost by occasion of the said Decree and that the said Ignatius Waters may reform to the errors aforesaid, and so forth, And thereupon it is ordered by the Court of Appeals here that the said Ignatius Waters form in the errors by the said L. Warfield and others above assigned in the Record of proceedings aforesaid, or Decree by the Court of Appeals here not be rendered against them in default thereof, and the said Ignatius Waters by his Attorney aforesaid says there is no error in the Record of proceedings aforesaid nor in the giving of the Decree aforesaid and he prays that the Court of Appeals here may proceed to the examination as well of the Record of proceedings aforesaid as of

the Matters aforesaid by the said L. Warfield and 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 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 second day of the said Month in the year of our Lord 1861 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, a day therefor 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 June next to hear the decree of the Court of Appeals here of and upon the premises. For that the Court now here as yet are not go.

At which said first Monday in June being the second 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

Whereupon the cause was regularly continued from Term to Term until the first Monday in April 1865

And now at this day to wit, the said first Monday in April being the 3d 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 and proceedings aforesaid and the Decree given in same aforesaid, as the Matters aforesaid by the said L. Warfield and others 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 it is considered by the Court of Appeals here that the Decree aforesaid given in same aforesaid, be in all things affirmed and stand in full force and effect, the said causes for error above assigned and alleged in anywise notwithstanding, And it is further considered by the Court of Appeals here that the said Ignatius Waters et al have execution against the said L. Warfield and others as well for the costs and charges aforesaid adjudged unto them in the said Circuit Court for Howard County as also the sum of Eighty two dollars and ninety cents adjudged unto the said Ignatius Waters et al by the Court of Appeals here on their account for their costs and charges which they sustained by occasion of the delay of the Execution of the Decree aforesaid, by pretext of the prosecution of the said appeal by the said L. Warfield et al for the correcting of errors found upon the premises as aforesaid prosecuted &c.

Thereupon the Court of Appeals here passed their Decree which is in the Words and of the tenor following to Wit