eight hundred and twenty nine come again into the Court of Appeals here the said Andrew Aldridge and Benjamin D Higdon by Alexander C Magruder their attorney, and also comes into Court here William Weems and Thomas I Hall by James Shaw and Somerville Pinkney, their attornies. Whereupon as well the record and proceedings aforesaid, and the Decree given in form aforesaid, as the matters aforesaid, by the said Andrew Aldridge and Benjamin D Higdon 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 error in the record of proceedings aforesaid, and in the giving of the Decree aforesaid: Therefore the said Court of Appeals proceeded to pass such a Decree as the Court of Chancery ought to have passed.

This cause having been argued, the bill, answer and proofs have been considered: and for as much as it appears to this Court that there is error in the decree, of the Court below, and that the appellants are entitled to the relief which they pray. It is thereupon this twenty fourth day of June in the year of our Lord one thousand eight hundred and twenty nine by the Court of Appeals, adjudged ordered and decreed, that the Decree heretofore passed by the Chancellor in this cause, be and the same is hereby reversed, with the costs of the appeal in this Court.

It is further adjudged, ordered and decreed, that the said cause be remanded to the Court of Chancery, and that the Chancellor pass a decree in the usual form, appointing a Trustee to make sale of the mortgaged premises, to pay to the appellants in this Court the debt and interest intended to be secured by the Mortgage Deed, after deducting therefrom any credits to which Weems may be entitled, unless within the time, in said decree to be limited, the Defendant Weems shall pay to the appellants, or bring into the Court of Chancery the debt, interest and costs in Chancery.

And whereas at a subsequent Term of the Court of Appeals, to wit, at December Term in the year of our Lord one thousand eight hundred and twenty nine a certain Somerville Pinkney and John F Wilson come into Court here and file their petition praying the Court to amend their decree as made and passed, in the foregoing cause accompanied with the Trustees report and orders, which are in the words and of the tenor following to wit.

To the Honorable, the Judges of the Court of Appeals, for the Western shore of the State of Maryland. The petition of Somerville Pinkney and John F Wilson of Anne Arundel county respectfully represents that heretofore to wit on the day of eighteen hundred and twenty a certain Andrew Aldridge and Benjamin D Higdon filed their bill of complaint in the High Court of Chancery against a certain Thomas I Hall administrator of Thomas Tongue, and a certain William Weems, claiming the benefit of a mortgage executed by the said William Weems to the said

Thomas Tongue in his lifetime and praying a sale of the mortgaged premises which said bill was on a hearing of the cause decreed to be dismissed with costs. That the said Andrew Aldridge and Benjamin D Higdon appealed from the said decree, to this Honorable Court, by which the said decree was after argument reversed with costs, at June Term 1829 That whilst the said appeal was pending in this Honorable Court the said Thomas I Hall administrator of the said Thomas Tongue filed his bill of complaint in the said Court of Chancery against the said William Weems praying for a sale of the said mortgaged premises upon which a decree was passed appointing your petitioner Somerville Pinkney Trustee to make the said sale. That the said William Weems appealed from the last mentioned decree to this Honorable Court and at June Term 1828. the said Decree was affirmed with costs with a stay of execution until the end of December Term 1828. all which will appear by the records of this Honorable Court. Your petitioners further state that the said Somerville Pinkney in pursuance of an order of the said Chancery Court passed on the 8th day of December 1828. made sale of the Mortgaged premises to your petitioner John F Wilson, on the 21st of January 1829. which sale has been finally ratified and confirmed as will appear by copies of the trustees report and the orders thereon. That your petitioner John F Wilson has paid to the said trustee at different periods the sum of nine hundred and fifty dollars in part of the purchase money, two hundred and fifty dollars of which were paid previous to the reversal of the decree first herein mentioned. Your petitioners aver advised that the said sale being made by a competent authority (no bond having been filed by the said Andrew Aldridge and Benjamin D Higdon on their said appeal) is valid as against the parties to the said suit, and that the decree of this Court in the said case of Andrew Aldridge and Benjamin D Higdon against the said Thomas I Hall and William Weems ought to be reformed and amended so as to protect the rights which your petitioner John F Wilson has acquired under the aforesaid sale and that the mandate of the said decree should confine the said Andrew Aldridge and Benjamin D Higdon to a claim on the fund created by the said sale.

Your petitioners therefore pray your honors to amend the said decree in the case of Andrew Aldridge and Benjamin D Higdon vs Thomas I Hall administrator of Thomas Tongue and William Weems by declaring the sale made by the said Somerville Pinkney and John F Wilson valid and directing the purchase money to be paid to the said Andrew Aldridge and Benjamin D Higdon subject to such credits as the said Thomas I Hall may make appear &c

Som. Pinkney for Pets.

To the Honorable Theodrick Bland Chancellor of Maryland.

The undersigned appointed Trustee to sell the mortgaged estate of William Weems mentioned in the Decree of Thomas I Hall administrator of Thomas Tongue against William Weems respectfully reports that in obedience to the