of Appeals here, and) proceed to the examination and revisal of the record of proceedings aforesaid, as of the matters aforesaid, by the said John Guyer assigned for error, and that the said Decree may be in all things 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 case made and provided, further continued, before the Court of Appeals here, until the second Monday in June next, the same day is given to the said parties there, then to hear the judgment of the Court of Appeals here, of and upon the said premises, and so forth.

At which said second Monday in June being the Ninth day of the said Month, in the year of our Lord, one thousand, eight hundred and thirty four 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 judgment to give of and upon the premises, a day therefore 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 judgment of the Court of Appeals here, of and upon the premises, for that the Court now here, as yet are not, &c.

And now at this day, Court, the said First Monday in December being the first day of the said Month, in the year of our Lord one thousand, eight hundred and thirty four come again into the Court of Appeals here, as well the said John Guyer by Somerville Pinkney his attorney as also the said Samuel Maynard Executor as aforesaid by Beverly Johnson and Thomas J. Alexander his attornies and file in Court here, the several agreements, in the words and tenor following, Court:

John Guyer vs Samuel Maynard Executor Lewis Neth dec'd	Court of Appeals It is agreed that the only question open for the consideration of the Court of Appeals on this appeal is whether the balance of rents and profits of the real Estate received by Lewis Neth deceased in his lifetime and prior to the sale of said real estate is applicable to the payment of legatees of James Williams deceased as is affirmed by the appellant? or belonged to the residuary Legatee James Williams junior of Philadelphia as is insisted by the appellee?

The question whether the said Neth as trustee was guilty of negligence so as to have become responsible for the whole proceeds of sales made by him is waived in order to insure a decision of the cause at the present Term. And the appellee engages to pay to the appellant his proportion of said proceeds as soon as the same can be ascertained. the securities taken from the purchasers being amply sufficient for his reimbursement.

It is further agreed that the remittances made by Lewis Neth to James Williams of Philadelphia for the payment of Legatees residing in England and in and about Philadelphia are to be allowed as against

those Legatees only and to the extent of their Legacies or dividends.

W. T. Alexander for appellee
Somv. Pinkney for appt.

John Guyer vs Samuel Maynard Ex. of Lewis Neth	It is also admitted that since the appeal in this case was entered that the balance of the debts due to the appellant by the late James Williams has been paid. Somv. Pinkney for appt. W. T. Alexander for appellee

Whereupon as well the record and proceedings aforesaid, and the Decree given in form aforesaid, as the matters aforesaid, by the said John Guyer 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 a Decree in the words following, to wit: This cause having been argued by Counsel for the parties was by the Court considered. And the parties by the agreements of their solicitors filed in the cause having waived the consideration of every other question than whether the rents and profits of the real estate of the deceased James Williams of Annapolis accrued after his death and prior to the sale of said real estate belong to the Residuary Devisee or are to be accounted for as applicable to the payment pecuniary legacies bequeathed by the Deceased? And the Court being of opinion that the said rents and profits belong to the said residuary Devisee

It is thereupon this 22nd day of January in the year eighteen hundred and thirty five by the Court of Appeals for the Western Shore adjudged ordered and decreed that the Chancellors Order from which the appeal in this cause has been taken be affirmed with Costs to the appellee. And that all the Costs of the appellant and appellee accruing on this appeal be defrayed out of so much of the estate of the deceased James Williams as may be applicable to the payment of the pecuniary legacies bequeathed by him.

And it is further adjudged ordered and decreed that this cause be remanded to the Court of Chancery for such further proceedings as may be necessary for the final distribution of the estate of the said deceased James Williams.

Test John Johnson, Clerk.

Henry C. Callis and George Semmes vs Samuel Ridout and Jeneb Ringgold	Be it remembered, That now hereon the First Monday in December being the second day of the said Month, in the year of our Lord, one thousand eight hundred and thirty three the Chancellor of Maryland, in pursuance of the directions of the act of Assembly in such case made and provided, transmits to the Court of Appeals here, the record of proceedings