

ALFRED C. NOWLAND }
 vs. }
 JOHN GLENN ET AL. } DECEMBER TERM, 1848.

[CHANCERY PRACTICE.]

A DECREE is not considered as enrolled until the close of the term at which it was passed, which does not expire until the commencement of the ensuing term, and, therefore, a decree passed during the sittings of a term, may be opened, vacated, or reformed, upon a bill filed before the close of the term, though not until after the close of the sittings of that term.

[The facts of the case are sufficiently set forth in the opinion. The case of *Crawford vs. Severson*, referred to, will be found reported in 5 *Gill*, 443.]

THE CHANCELLOR :

The proceedings in this case show, that pending the suit instituted in this court, by William Crawford, Jr. against John Severson and Samuel Severson, so much of the legacy therein mentioned, as was charged upon the land devised by Thomas Severson to Samuel Severson, was paid by the said Samuel, and the complainant, to whom the said land had been conveyed by Samuel, in the year 1834. The final payment was made by the complainant in this case on the 30th of December, 1836, when a final release and discharge to him was executed by Crawford, the complainant, in the case first mentioned.

Notwithstanding this release, however, it appears a decree passed in this court on the 20th of March, 1848, for the sale of the land devised to the said Samuel, as well as that devised to John Severson for the payment of the legacies, respectively charged upon them, although Samuel Severson had died long prior thereto.

The bill in this case prays, that the decree of March, 1848, in so far as the same authorizes and directs the sale of the land devised by Thomas Severson to Samuel Severson, and conveyed by the latter to the plaintiff, in this case may be rescinded and revoked ; and I do not understand from the an-