

1810.

Gover
vs
Hall

which he did accordingly; and that the present court of appeals had ordered an argument how far the said decree was conclusive, and the petitioners had prayed that an act might pass authorising the court of appeals to hear and determine the matter of the decree of June term 1800, in the case, in the same manner as if that decree had never been made; and it appearing to the general assembly that the manner in which *Benjamin Rumsey* acted in signing the decree, without sitting in judgment in the case, was not in conformity to the spirit of the constitution; it was enacted, "that the court of appeals for the western shore be and they are hereby authorised, empowered and directed, to hear and determine the matter of the decree of the court of appeals of June term 1800, in the said cause, in the same manner as if that decree had never been made."

By a supplement to the above act, passed at the same session, *ch. 118*, it was enacted, "that in the event of the court of appeals determining in the same manner as the former court of appeals, or determining that there should be an account, that then, or in either case, all the statements and proceedings that have taken place under the decree of June term 1800, shall be and they are hereby declared to stand before the court of appeals authorised to determine the case, in the same manner, and with the same effect, as if the act, to which this is a supplement, had not passed; provided nevertheless, that if the court of appeals should be of opinion that justice cannot be done between the parties by reason of the provisions of this supplement, that then and in that case they shall proceed in the same manner as they could or would have been authorised to have done if this supplement had not passed."

The appeal having been granted to this court, the cause was argued before *BUCHANAN, NICHOLSON, GANTT, and EARLE, J.* by

Shaaff, Harper, T. Buchanan and Winder, for the Appellants; and by

Martin, Key, and Johnson (Attorney General,) for the Appellee.

BUCHANAN, J. delivered the opinion of the court. The case appears to be this—*George Churchman, Peter Dicks and Abraham Hare*, having possessed themselves of a