

But in the course of the argument, the one party seemed to construe this order as a total revocation of the decree of the 4th of \* August last; and the other, as a mere stay of execution, because of some credits not having been given. It was **125** also urged, that the allowing of such a bill of review to be filed did, of itself, operate a suspension of all further proceedings, until the final hearing; and that it must be so understood, when taken in connexion with the prayer of the bill, and the circumstances of a bond having been required and accepted. The Chancellor has been misunderstood.

According to the English law, neither the filing of a petition for re-hearing; nor a bill in the nature of a bill of review; nor a bill of review for error apparent on the face of the decree; nor a bill of review for new matter, after leave given; *Mif. Pl.* 88; nor an original bill, to set aside a decree on the ground of fraud; nor a bill to open an enrolled decree, and let in the merits, has ever, or under any circumstances been considered, in itself, as a suspension of the execution of a decree. The party having the decree, in all such cases, is allowed to proceed, unless specially and expressly restrained; which is never done but on the sum decreed being brought into Court, or on good security being given. Similar law and practice has been long established here; and, hence it

---

settle, and adjust the said account. The commission, with certain annexed accounts, were afterwards returned to the Court here, and are contained in the words and figures following, to wit:—

“*Maryland, sct.*—The State of Maryland to Randolph B. Latimer and Robert Denny, Esquires, of Ann Arundel County, Greeting:—Know ye, that we have appointed you to be our commissioners to audite, state, settle, and adjust all accounts in a certain cause depending in our Court of Chancery, between Josias Clapham and Mary Carey, complainants, and Cornelius Thompson, John Thompson, and Anne McDonald, defendants: We therefore require you to state, audite, settle and adjust all accounts relating to the matters in dispute that shall be produced to you, by either of the parties; and that you reduce to writing such accounts as shall be stated and settled by you, and the same you send, together with this our commission, under your hands and seals, with all convenient speed, to our High Court of Chancery.—Witness the Honorable ALEXANDER CONTEE HANSON, ESQ., Chancellor, this second day of February, Anno Domini 1790.

SAMUEL H. HOWARD, *Reg. Cur. Can.*

Under and with this commission, the auditors stated and returned an account. And the cause so standing continued until May Court, one thousand seven hundred and ninety, it was ordered that the following entry be made, to wit:—Notice of motion to confirm the auditors’ return, and dissolve the injunction *nisi* the thirteenth day of July next.

After which, there being no exceptions filed to the auditors’ return, on the 17th August, 1790, *decreed*, that the auditors’ return be confirmed; that the injunction order be dissolved; and that the defendants be permitted to proceed on their *feri facias* for a certain amount.—*Chancery Proceedings, Letter D, 1790, pages 424, 483.*