

Whereupon it is decreed, that the auditor's report be, and the same is hereby ratified and confirmed. And it is further decreed,

arguments and all other proceedings, were by the Chancellor read and considered.

Some of the material facts stated in the bill are neither admitted by the answer, nor established by the depositions. The circumstances of this case are indeed peculiar; and a cause recently decided in the High Court of Appeals, without explaining the principles of their decision, has rendered uncertain to the Chancellor what principles are to govern in cases where the performance of an old agreement is sought in this Court. He would certainly be guided by the opinion of that Court, if he knew it. Upon the whole he conceives, that the best thing he can do for the interests of both parties, and to render justice, and to put an end to controversy, is to recommend a reasonable compromise.

He then proposes a decree by consent, to the following effect, viz.—1. The injunction shall be made perpetual; and the defendant shall convey to the complainant and his heirs, all his right, title, interest and estate in and to the land which is the subject of contest.—2. The complainant, on or before the first day of next October Term, shall bring into Court, to be paid to the defendant, the sum of one hundred and sixty-six pounds, thirteen shillings and fourpence current money.—3. The defendant shall not be compelled to make the said conveyance until the bringing in or payment, or levying of the said sum. And if the said money be not brought in, as aforesaid, the defendant, at his election, may either have the process of this Court, on application to the Chancellor, to enforce the payment of the said sum, with interest, from the said first day of October Term, or shall be at liberty to have a writ or process from the Court of law to obtain possession of the land, by him recovered by his ejectment, as stated in the bill, the injunction aforesaid notwithstanding: and the complainant shall be prohibited from any relief in this Court, on the agreement stated in the bill.—4. Each party shall sustain his own costs in this Court and in the Court of law.

On the application, by petition, at any time, of either party, who shall hereby refuse to accede to this recommendation, the Chancellor, without delay will proceed to decree, according to the best of his judgment and conscience.

The defendant Nicholas Watkins assented to the terms proposed by the Chancellor. Upon which the following decree was passed.

HANSON, C., 30th August, 1802.—The defendant having fully acceded to the recommendation of the Chancellor, and pressed him to decree, he conceives, that there is no valid objection against decreeing according to the recommendation, although the complainant hath not acceded to it.

It is thereupon decreed, that the injunction in this cause issued shall be, and it is hereby declared to be perpetual; and that the defendant, by a good deed, to be acknowledged and recorded legally, convey to the complainant Tobias and his heirs all his the said defendant's right, title and interest in and to the land in the bill mentioned, part of a tract called "Friends' Choice," as in the bill described. It is further decreed, that the complainant, on or before the first day of next October Term, shall bring into Court, to be paid to the defendant, the sum of one hundred and sixty-six pounds thirteen shillings and four pence current money. Provided nevertheless, that the said defendant shall not be compelled to execute the said deed