

bring into this Court, to be paid to them, the sum of eight hundred and twenty-two dollars and seventy-eight cents, with interest thereon from the first day of December, 1822.

at the rate of eight dollars per acre. The bill prays for a conveyance of the lands, or in case a good title cannot be obtained, or there should be a deficiency, that the \$1,300 may be paid back. As the proceedings stand under the amended bill, the Chancellor does not perceive, that there is any defect of title, but is of opinion that justice may be done to the parties by decreeing mutual conveyances, and also by compelling the complainant to pay for the excess. A plot has been returned under the order of the Court, by which the excess appears to be 62 acres, making at \$8, \$496. From which the \$26 agreed on being deducted the sum due is \$470. No exception has been made to the survey so returned; and therefore it is taken as the proper evidence for ascertaining the quantity. The complainant Long, having had the use of this excess of land, a claim for interest might on that account be made, but inasmuch as Gorsuch did not take any measures to have the land surveyed, and difficulties arose as to the title, it is deemed improper to allow such interest.

It is thereupon decreed, that the complainant, John Long, do on or before the tenth day of April next, pay to the defendant Richard Gorsuch, or bring into this Court to be paid to him, the sum of four hundred and seventy dollars, and that he pay legal interest on the said sum from the said 10th of April, 1815, if the principal should not then be paid. And also that the said complainant John Long, do by a good and sufficient deed to be executed and acknowledged according to law, convey to the defendant, his heirs or assigns, all that messuage or tenement in the agreement exhibited, dated the 8th of November, 1800, mentioned lying and being in that part of the City of Baltimore, called Fell's Point, fronting thirty feet on Anne street, and sixty feet on Lancaster alley, thence with the division line of said tract thirty feet, and thence with a straight line to the first place of beginning of the first thirty feet.

And it is further decreed, that the defendants, Richard Gorsuch and John Gorsuch, do by a good and sufficient deed to be executed and acknowledged according to law, convey to the complainant John Long, in fee simple, two hundred and twelve acres of land in Baltimore County, known by the name of Charles' Mistake, and the Resurvey on Cockpit, the same being the land mentioned in the agreement of the 8th of November, 1800, as containing 150 acres, together with the excess of 62 acres, appearing on the survey returned to the Court, the part called the Resurvey on the Cockpit, being called therein Ellis' Folly. The said conveyance to be made on the payment or bringing in of the sum of 470 dollars, with the interest thereon as hereinbefore decreed. The parties respectively to pay their own costs.

A copy of this decree having been served on the plaintiff as then required by the Act of 1785, ch. 72, s. 25, and the amount not having been paid by him; on the petition of the defendant Richard Gorsuch, a *feri facias* was issued in his favor, against the plaintiff on the 31st of August, 1816, which was returned by the sheriff of Baltimore County, *nulla bona*.

The Act of 1785, ch. 72, s. 21, declares, that in all cases the defendant may exhibit interrogatories to the plaintiff, which shall be answered by him, &c. A similar enactment in Kentucky has been so construed, that such interrogatories are in all respects regarded as a cross-bill, and as superseding the necessity of filing such a bill as well in cases, like this, for a specific performance as in all others. *Wilson v. Bodley*, 2 *Litt. Rep.* 57.