pressions "with the main falls" were so qualified by the other expressions, "*by a direct line*," as to show that the latter were intended as the controlling expressions, and consequently that the given line should be run directly from the place of departure to the beginning tree, the object imperatively called for, and that by the words "with the main falls," the general course of the stream was meant, the meanders of which could not be pursued by a single direct line. But it is manifest from the reasoning of the court, that the survey would have been closed by pursuing the meanders of the stream but for the introduction of the words "*by a direct line*," which demonstrated that the meanders of the stream were not intended.

The expressions in this bond of conveyance are "thence with the said line to Piney Branch, thence down said branch to the beginning," not by a *direct line* to the beginning, and my opinion is, that "down the branch" and "with the branch" are equivalent terms, and not being qualified by any other terms, the given or home line must pursue the meanders of the branch, by which the survey can be as well closed as by a straight line, as is apparent upon the face of the plat.

But the complainants' counsel insists that this point, and indeed his title to relief, sought by his bill, has been adjudicated in his favor by Charles County Court, by the order of the 19th of June, 1844, referring the cause to the Auditor.

I do not so understand that order. It instructs the Auditor to report the amount of loss sustained annually by the complainant, in consequence of the defendant's withholding from him the use of the land lying between the meanders of the stream and a straight line as laid down on the plat, and it is very probable when that order was passed, the court thought the complainant would be entitled to relief to the extent of such loss. But surely it is not a final adjudication to that effect. It does not so settle the right of the parties that an appeal would lie from it. The order of the Chancellor in the case of *Hogthorp* vs. *Hook*, 1 *Gill & Johns.*, 271, was far more precise and specific, and yet the Court of Appeals refused to entertain an appeal from it, saying, that however clearly the Chancellor may have