

*Dilly & Heckrotte vs. Barard, 8 Gill & Johns., 171.* I shall, for these reasons, sign an order continuing the injunction.

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[The commission to take testimony was subsequently returned unexecuted, and the cause was, at December term, 1849, submitted for final decision, when the Chancellor passed the following order.]

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THE CHANCELLOR:

This cause having been submitted on the part of the complainant during the sittings of the term, is now laid before the Chancellor without argument. And this court being of opinion, for the reasons stated on the 5th of July, 1848, as the grounds upon which the order of that date was passed, that upon the bill, answers and the other proceedings then appearing in the cause, the complainant was entitled to be relieved against the judgment mentioned in the proceedings, and the commission to take testimony then outstanding having been returned unexecuted. It is, thereupon, this 17th day of January, 1850, by John Johnson, Chancellor, and by the authority of this court adjudged, ordered, and decreed, that the judgment in the said proceedings mentioned at the suit of Edward Lee, use of Charles F. Mayer, the defendants in this cause, against Richard Iglehart, the complainants, recovered in Anne Arundel County Court, at the October term thereof, in the year 1837, be, and the same is hereby perpetually enjoined. And it is further adjudged, ordered and decreed, by the authority aforesaid, that the complainant recover his costs against the defendant in this case, to be taxed by the Register.

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[From this decree the defendant, Mayer, appealed; which appeal is still pending.]

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J. J. SPEED, for Complainant.

A. RANDALL, for Defendants.