

meanders of Piney Branch, there would be 14 acres 1 rood and 21 perches less.

The answer of Hatton to this bill was filed on the 17th of March, 1840, in which he admits the recovery of the judgment, and that the cause of action was a single bill for the purchase money for land which complainant purchased of respondent, and that two notes were given to secure the payment of said purchase money, and that he gave a bond of conveyance as charged in the bill. But he denies that complainant took possession of a part only of said tract of land, but he avers that he entered into and took possession of the whole thereof, and cultivated and used the same without any let or hindrance from defendant or any other person; he denies that he or any other person under his authority has used or possessed any part of said tract of land since the sale thereof to the complainant; he denies that complainant ever called upon him to complete the contract, or to give him a good title to the land, or asked of defendant a deed for the same. On the contrary, he avers that he has always been willing and ready to give complainant a good and valid deed therefor.

Commissions to take testimony were then issued, and proof taken and returned, and on the 19th of June, of 1844, Charles County Court, as a court of equity, passed an order referring the cause to the Auditor, "with directions to report the amount of the loss sustained annually by the complainant, by the withholding the use of the land lying west from the meanders of Piney Branch, and a straight line as laid down on the plat by the defendant, from the time when he threatened to sue the plaintiff if he cut wood thereon, and to take such testimony as may be offered by either party in relation thereto, and also to report the balance due on the original purchase."

The cause was afterwards, on the 27th of August, 1845, removed to the Court of Chancery upon the suggestion of the defendant, and no further proceedings were had therein until the 18th of October, 1852, when a petition was filed by Eleanor B. Hatton, which, together with all the subsequent proceedings, is fully stated in the following opinion of the Chancellor.]