

looked to other resources to pay the *Bells* any proportion or dividends which they might pay on those acceptances: and this seems plausible. But whatever may have been the intention of the parties as to any matters not comprehended in the deed, that contract, in itself, is clear and unequivocal. The fund in *Thompson's* hands was to be applied to the satisfaction of the demands of certain designated bill holders; *Thompson* is clearly and confessedly not one of them; he has, therefore, no right or title whatever to the money which *Heyland* had placed in his hands for his indemnification against them.

It is, therefore, *Ordered*, that *Hugh Thompson* bring into this court, on or before the fourteenth day of April next, the sum of thirty-nine thousand five hundred and seven dollars and eighty-five cents, being the value of eight thousand eight hundred and eighty-nine pounds, five shillings and four pence, sterling money of England, together with legal interest thereon from the first day of January in the year eighteen hundred and twelve, which sum, it appears by the admitted and incontrovertible facts in this case, he had received from the said *Marcus Heyland* previous to the fourteenth day of September, in the year eighteen hundred and eleven, for the use of said *Heyland's* creditors, as specified in the proceedings in this case; and which the said *Hugh Thompson* ought, within a reasonable time thereafter, to have paid to the said creditors; Provided a copy of this order be served on the said *Thompson*, on or before the twenty-fifth day of the present month. And it is further ordered, that the said sum of money, with the interest thereon, when so brought into court, be deposited in the Farmers Bank of Maryland to the credit of this case, subject to further order.

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The defendant *Thompson*, having been advised, that he was not entitled to an appeal from this order, without any previous application to the Chancellor to be allowed to appeal, on the 17th of February, 1825, presented a petition to the Senate, praying that the General Assembly of Maryland would pass a special act allowing him the benefit of an appeal; and the plaintiffs on the next day presented a counter petition to the Senate, which were both together referred to a committee, who on the 23d of February, 1825, made the following report:

“The committee to whom was referred the petition of *Hugh Thompson*, and the counter petition of *John McKim, jun'r., Thomas L. Emory*, and others, report—That they have considered the