

The decree of the Chancellor having been reversed, and the case remanded to this court, with orders to execute the decree of the Court of Appeals; the auditor was directed to state an account accordingly, with a view to enable this court to perform the duty prescribed to it; which accounts the auditor finally stated and reported on the 20th of September, 1826. The substance of the exceptions taken to the accounts thus reported is, that neither the one nor the other of them conforms to the directions of the Court of Appeals.

The solicitors have allowed themselves to take a retrospective and large view of this case; and have thence argued, that the decree of the Court of Appeals cannot be taken in its literal sense; because it would, if so taken, produce the grossest injury to one; do complete justice to neither of the parties; and in no way cover the whole case upon which the court was called upon to adjudicate. For, by giving to the plaintiff nothing more than a bare moiety of the three negroes born of *Lucy* and *Milly*, he would lose his share of their hires and profits until they are divided, or sold, and delivered up. And by giving to the plaintiff the entire value of the labour of the other negroes, as specified, the defendant would be excluded from credits and deductions to which, from the nature of the whole case, he is most manifestly entitled. But this court cannot permit itself to indulge in any such wide range of review, or great latitude of construction.

When a decision is adduced as a precedent, affording evidence and illustration of the principles of equity, which it is urged should govern a new case, then under consideration, unless the rule be unambiguous and clear, it is certainly fit and proper to attend to all the circumstances upon which it is founded; and also to understand the reasons and arguments by which the mind of the court was brought to the conclusion which has been recorded as its judgment. Because in such instances the only object is to ascertain what is the law applicable to the case under consideration, which law does not consist in particular cases; but in general principles which run through and govern them. The principle is the thing which is to be extracted from cases, and to be applied to other cases. (c)

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(c) *Rust v. Cooper*, Cowp. 633. *Walpole v. Cholmondely*, 7 T. R. 148. *Browning v. Wright*, 2 Boz. and Pul. 24. *Silk v. Prime*, 1 Bro. c. c. 138, n. *Perry v. Whitehead*, 6 Ves. 54. *Morgan v. Morgan*, 5 Mad. 410.