

CHAP. 280. record, without being able to determine in express terms, how far the proceedings of the said Penn, under the said order, had in effect put the said funds out of the reach of the court, except by a resort to the said grantees; that the said Penn afterwards, on the fourteenth of August eighteen hundred and twenty-eight, filed his petition in said cause in chancery, stating that his receipts and releases had not been sent up with the record, nor his interest in the residue of the proceeds of sale, brought to the notice of the Court of Appeals, and praying for relief, on that and other grounds; that the chancellor dismissed the said petition, assigning as his reason therefor, that he could not grant the relief asked for, without reserving, modifying or controlling the said decree of the Court of Appeals; that the said Penn afterwards, on the eleventh day of February eighteen hundred and twenty-nine, filed his bill of complaint, praying for similar relief from the judges of Montgomery county court, sitting as a court of equity, and obtained an injunction, preventing the trustee from proceeding to collect from him the said residue of the purchase money, which bill was dismissed, and the injunction dissolved, at the November term eighteen hundred and thirty-nine of Montgomery county court, whose decision was affirmed by the court of appeals at the December term eighteen hundred and forty-one, the said judgment being without prejudice to his rights, and on the ground that his proper remedy was in the court of chancery; and that in the mean while he had lost his right of appeal by the lapse of time from the order of the chancellor, dismissing his said petition; and whereas, it appears just and proper that the said Penn should have the opportunity of presenting his claim to be allowed for the payments so made as aforesaid, to the court of appeals, upon the facts on which it rested in the court of chancery, which facts were left out of the record on which the said court of appeals was called upon to act—therefore,

Court of Appeals to entertain order of Chancellor.
Proviso.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That the court of appeals for the western shore, are hereby authorized and required to entertain an appeal from the order of the chancellor, passed on the twenty-sixth day of January eighteen hundred and twenty-nine, *provided,* the same shall be taken by the said Penn within thirty days from the passage of this law; and on such appeal being entered, and an appeal bond given as usual, all further proceedings against the said Penn in the said cause, or by the said trustee on his judgment against him shall be staid.

Court to hear said appeal.

SEC. 2. *And be it enacted,* That the said court of appeals are hereby authorized and required to hear the said ap-