

Causes in Equity for an Appeale from the S^d Decree in Chancery to this Court being all read and the Allegations of both Parties Thereupon being fully heard the Said Alexander Adams by his Council af^d repeated his former reasons of Appeale from the Said Decree in Chancery and Prayed that the S^d Decree might be reverst Whereupon the Question being put Whether the Originall Bill in Chancery Was Sufficient to ground any final Decree thereon other then to Examine Evidences in perpetual Memory it was Resolved in the Negative And thereupon this Court Order and Adjudge the Decree in Chancery to be reverst and that the S^d John Caldwell restore and pay unto the S^d Alexander Adams Eight Thousand Three hundred and Eighteen Pounds of Tob^o the S^d Caldwells Cost in the Said Court of Chancery there Adjudged to him and that the S^d Caldwell Likewise restore and pay unto the S^d Adams four Thousand Pounds of Tob^o the Damage adjudged to the S^d Caldwell in the S^d Court of Chancery Together wth three Thousand Seven Hundred and forty three pounds of Tob^o the S^d Adams own Costs in the S^d Court of Chancery wth the S^d Adams Cost of Suit in this Court and that Execution issue for the af^d Severall Sums Accordingly.

It is the Opinion of this Court that the S^d Caldwell if he thinks fitt may proceed on his Judgm^{ts} at Law Ag^t the S^d Brewerton and have the full Benefit of the Severall Answers and Examinations of Evidences in the S^d Court of Chancery as in Cases where Bills are Exhibitted to Examine Evidences in perpetuum rei Memoriam to Avail him as in Law and Equity it Ought.

The Court Adjourns to the Thursday before the Second Tuesday of February being the Sixth Day of the Same Month

Test William Cumming

[775] At a Court of Appeals and Err^{rs}: Held Before his Excellency The Governour and his Lordships Honourable Council on the first tuesday of February being the Sixth day of the Same Month Annoque Domini 1728/9 Present: His Excellency the Governour; The Honourable Philemon Lloyd Esq^r; Richard Tilghman Esq^r; John Hall Esq^r; Mathew Tilghman Ward Esq^r; Benj Tasker Esq^r; Charles Calvert Esq^r, of the Council.

The Court adjourns till to Morrow Morning ten a clock.

Friday February the 7th 1728/9 The Court Met according to adjournment All Except Charles Calvert Esq^r Who is absent

This day it was Certified by his Excellency the Governour That the Honourable Edwd Calvert Esq^r had taken the Severall oaths to the Government as directed by Law as a member of his Lordships Honourable Council who thereupon took his Seat in the Court of Appeals: Whereupon his Excy^{ty} the Governour and the members of the Council Present took the Oath of Justice as directed by Act of Assembly.

The Court adjourns till 5 aclock in the afternoon The Court met according to adjournment. The Court adj^{os} till to morrow Morning Nine a clock.