

in the proceedings to a certain other day long anterior to the date of the decree of said court, and as that decree does not provide for taking any further account against him, or direct any inquiry to be made in respect to his liability for subsequent rents and profits, nor is this court empowered to do anything more than to execute said decree, he insists that that decree is conclusive of the rights and liabilities of both parties arising out of the matters litigated in that suit, and he pleads said decree as a bar to any further account of rents and profits received or supposed to be received by defendant anterior to the date of the same. And that if any such relief could be awarded to the present complainant, he has mistaken his remedy, and that he ought to have proceeded by supplemental bill in the former case. He admits he continued in possession of the mortgaged premises after the 19th of November, 1844, but for what space of time he is not able at this moment to state, but if he is now liable to account for such occupancy, he submits that he is entitled to review the decree of the Court of Appeals, and to correct the same, so far as may be necessary to do even handed justice to the parties. He then points out deductions of ground rent and taxes to be made from said rent of \$400 per annum charged against him by that decree, so as to reduce the clear annual rent to \$200 per annum, and avers that the account directed to be stated by the Court of Appeals was so stated without due notice to him, and that his case was not prepared so as to show the clear net rent which he had received for the premises, and that he was thereby greatly aggrieved, and he submits that if the present complainant is permitted to review the said decree for any purpose, it will be so far opened as may be necessary to correct errors existing therein to the prejudice of this defendant.

After this answer was filed, a motion was made to dissolve the injunction, upon the hearing of which the Chancellor delivered the following opinion.]