

in that decree. A decree of the Court of Appeals, sent to the Court of Chancery to be executed, cannot be there revised or modified in any material particular.

THIS bill was filed on the 20th of September, 1809, by Bazil Crapster and Harriet his wife, against Lyde Griffith—It states, that Vachel Dorsey died in the year 1795, leaving a widow Ann, and two children John H. Dorsey, and the plaintiff Harriet; that the intestate died seized and possessed of considerable real and personal estate; that letters of administration, on his personal estate, were granted to his widow and Luke Pool, but that all the assets, and the actual conduct of the administration, passed into the hands, and was performed by the widow; that, some time early in the year 1798, she married the defendant, after which, on the 25th of April in the same year, they settled a final account with the Orphans' Court, shewing a balance of £503 11s. 3¼d. due to the estate; that John H. Dorsey, the son of the intestate, died some time in the year 1798, under age and intestate; after which Luke Pool died, leaving the then wife of the defendant as the surviving administratrix, that the defendant, soon after his marriage * with Ann, was appointed, by the Orphans' Court, guardian

6 of the plaintiff Harriet, and took possession of her real and personal estate accordingly; that Ann died, some time in the year 1807, leaving the whole surplus, and all the personal estate of her intestate, which remained in specie, in the hands of her husband the defendant; that the defendant, after the plaintiff Harriet attained the age of sixteen, under an assurance, that she was only entitled to a portion of her father's and brother's estate, in money according to the inventory, rendered to her an account shewing a balance of only about £230; and obtained from her a release; which account was erroneous; and the release was obtained from her unduly and improperly: the consideration therein expressed never having been paid or satisfied; that the personal estate of the intestate consisted of negroes, stock, and other specifics, which were returned in the inventory at a very low valuation: and all which by offspring or otherwise, greatly increased in value; and that the plaintiff Harriet, during a great part of her minority, lived with her grandmother, and was not maintained or educated by the defendant. Whereupon the bill prayed, that the defendant might be decreed to deliver up the full share of her father's and brother's personal estate; and to account for the rents and profits of her real and personal estate, &c.

tent to mislead or deceive that other, and embarrass him in obtaining his right, the effect must be the same. *Ibid.* But the rule does not apply if the goods intermingled remain capable of identification, or if they are of the same quality or value, as where guineas are mingled, or grain of the same quality. *Ibid.*