pursuant to adjournment the Court met this morning at the Capitol.

Present.

The Honorable John Marshall chief Justice.
(Buchanan) (Washington)

The Hon'ble: William Johnson, Gabriel Duvall, Joseph Story, Smith Thompson — associate Justices.

Proclamation being made the Court is opened.

Joaquim Jose Vasques Consul General of Portugal on behalf of the owner or owners of the Ships a Nefeli Grande Para Sotheus & the Cargoes thereof.

vs

44. Sundry quantities of Gold and Silver Bullion in bags boxes or otherwise and John D. Daniels claimant.

This cause came on to be heard on the Transcript of the Record of the Circuit Court of the United States for the District of Maryland and was argued by counsel. On consideration whereof. It is ordered, adjudged and decreed that the decree of the said Circuit Court refusing to issue an execution against John D. Daniels as prayed for by the Libellant in his petition be and the same is hereby affirmed with costs without prejudice to the Libellant to apply to the said Circuit Court for a monition against the said John D. Daniels according to the usage of the admiralty, that being a process to which the Libellant is entitled by law.

Lucas Elmendorf vs Hubbard Taylor, Thomas Carlan, Daniel Wilkes, ___ McDonald, John Rose, John Potoff, John Boggs, Peter Schrotes, Robert Wilkes, William Wilkes James Anderson, Andrew Blunk, George Kinder, Thos. Minter, ___ Stuart Tobias Butler, James Brown, John Ray, John Ley, John Ray 2, Samuel Black, William Hatfield, Isaac Spraggins Edward Curry, Daniel Curry, Robert Harrison, Charles Bryery, William Jacobs, Thomas Johnston, Daniel Wilhite and Yelverton Wells.

This cause came on to be heard on the Transcript of the Record of the Circuit Court of the United States for the District of Kentucky and was argued by counsel. On consideration whereof this court is of opinion that there is error in the decree of the said Circuit Court in this, that the said Circuit Court determined that the entry in the bill mentioned made by Walker Daniels on the first of April 1784 and explained on the first of July of the same year on which the plaintiffs title is founded is invalid; whereas this court is of opinion that the same is a valid entry. It is therefore, Ordered and Decreed that the decree of the said Circuit Court dismissing the plaintiffs bill ought to be and the same is hereby reversed and annulled; and this Court is further of opinion that in cases of adversary title, such an adversary possession as would bar an ejectment did the plaintiff possess a legal title constitutes also a bar

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