

Opinion of the Court.

CHAPPELL *v.* BRADSHAW. Error to the Court of Appeals of the State of Maryland. No. 1037. This case is reported *ante*, page 132. A like motion under a like circumstance being made for the issue of a mandate, it was denied, but the court informed the counsel that he was at liberty to file his motion and give notice, which he elected to do.

HOYT'S ADMINISTRATOR *v.* HANBURY.

APPEAL FROM THE CIRCUIT COURT OF THE UNITED STATES FOR
THE NORTHERN DISTRICT OF ILLINOIS.

No. 109. Submitted December 6, 1888. — Decided December 17, 1888.

This court concurs with the Circuit Court in its opinion upon the effect of the proofs in this case, and affirms the decree below.

When a letter is found in the record as part of the evidence taken before a master, and it is certified by the clerk as filed on the same day as other exhibits specifically referred to in a deposition, and the record shows no objection taken to its admission at the hearing before the court, it must, in this court, be deemed to have been admitted by consent.

BILL IN EQUITY. The case is stated in the opinion of the court.

Mr. H. C. Cady and *Mr. Theodore E. Davis* for appellant.

No appearance for appellees.

MR. JUSTICE GRAY delivered the opinion of the court.

The bill in equity in this case was filed by Emily Hoyt against Anna Hanbury and Miner N. Knowlton, to compel Knowlton, the plaintiff's brother and attorney in fact, to account for money entrusted by her to him, and by him invested in land in Chicago, Illinois; as well as to set aside a contract and conveyances executed by him and by Mrs. Hanbury, by which that land was exchanged for land at Clarendon Hills, in the neighborhood of Boston, Massachusetts, upon the ground that he was induced to enter into the contract and