

Annapolis, at the June Term of 1824, he came from his home in Montgomery to Annapolis, for the express and only purpose of having an interview with his counsel, and getting his answer drawn and filed, &c. But he found his counsel on the eve of returning to Washington, whither he accompanied him, and immediately on their arrival, the answer was drawn, regularly sworn to, and put into the hands of his counsel, to be transmitted by the stage next morning, to the register of this Court; that he had frequent interviews afterwards with his counsel on the subject; he as well as his counsel, took it for granted, the answer and exhibits had been duly received; and he was informed by his counsel, that he had made an arrangement with Mr. Key, one of the opposite counsel, who resided in Georgetown, to fix upon some day convenient for them both, to go to Annapolis and argue the cause; and **117** * the plaintiff, William Scott, remained under this impression, without the slightest intimation of the answer's having miscarried, till, to his utter astonishment, he found there had been a decree against him, followed by execution: and when he communicated to his counsel the fact of his property having been seized by the sheriff, he was utterly at a loss to comprehend how it could have been brought about; having only heard, a short time before, of the miscarriage of the answer, and not dreaming that there could have been a decree, till writing to the register of this Court for information, he was certified of the fact.

Walter Jones, the counsel of William Scott, in an affidavit made by him and filed with this bill, confirms what is stated by Scott, as to his being called on at Annapolis, and followed to Washington, where he states, that Scott remained with him until he had drawn his answer, and it was sworn to by him, before a magistrate;—that finding the package so large as to make the transmission of it by mail very expensive, he, Jones, sent his servant to the stage office to inquire whether there was any passengers for Annapolis in the stage of the next day; who returned with an answer, that he had found a gentlemen who would take charge of the packet; upon which he delivered it to him very securely sealed up, and directed to the Register of the Court of Chancery at Annapolis; with a note, requesting him to file the answer, &c., and enter a notice to dissolve. He does not recollect that his servant named the person to whom he delivered the packet; if he did, he has forgotten it. He had frequent conversations afterwards with Mr. Key, about appointing a day mutually convenient for them both, to go to Annapolis to argue the cause. He rested without doubt or apprehension of the answer's being regularly filed, and does not remember when he experienced so great a surprise, as when he heard of the decree in the cause.

These plaintiffs, by this bill, pray, that this plaintiff, William Scott, may be permitted to put in his original answer, plea, &c. to