

the original bill, &c., and that these other plaintiffs may be admitted as parties to the proceedings, as they are parties in interest, and to answer and defend, &c.; that the case may heard upon all and singular the allegations, matters and things in this their supplemental bill, in the nature of a bill of review, alleged and contained, at the same time, that it is re-heard upon the original bill; that these plaintiffs may be restored to their original situations respectively, before the issuing of the commission and the making of the *said decree; that the said decree may, by the order of this Court, be opened for such re-hearing; that the execution of the same may be suspended, and the said *feri facias* countermanded by the like order of this Court; and that in general they may be relieved according to the equity and nature of their case, &c. And in conclusion, a prayer for subpoena against the plaintiffs to the original bill, &c., and an order of publication against those of them who are non-residents. **118**

BLAND, C., 16th November, 1825.—On hearing the complainant's counsel, and considering the foregoing bill, together with the affidavit of the complainant's counsel therewith filed; and the said William Scott having filed his bond with surety, approved by the Chancellor, to abide by, and fulfil the order of this Court in the premises:—it is ordered, that subpoenas issue, and publication be made, as prayed by the said bill. And it is further ordered, that all further proceedings, in execution of the said decree of this Court, of the fourth day of August last, be, and the same are hereby enjoined, suspended and countermanded, until the further order of this Court, as prayed by the foregoing bill.

On the 3d May, 1826, the defendants, Thomas Burch and others, filed their answers, in which they admit, that their counsel had been informed, shortly after the serving of the order of the 30th March, 1824, that William Scott had filed his answer, and that it had been proposed, that a day should be fixed on to go to Annapolis to try the cause, that their counsel wrote for a copy of Scott's answer, and was informed that it had not been filed, which information he communicated shortly afterwards, to Mr. Jones, the counsel of Mr. Scott; that the same fact was again, after a considerable interval, communicated to Mr. Jones, and also to William Scott himself. And they further admit, "that there ought to have been a credit entered for the sums mentioned in the decree of the Orphans' Court of Washington County, and which were to be returned to Kinsey Gittings, on his giving up the property; or rather, that the defendants were willing to admit a credit for those sums, though, as they were tendered to Gittings in his life-time, and also to Scott, since his death, when the negroes were demanded of him, and compliance with the said Orphans' Court's decree