

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 *subpœna* against the plaintiffs to the original bill, &c., and an order of publication against those of them who are non-residents.

16th November, 1825.—BLAND, Chancellor.—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 *subpœnas* 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.

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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 lifetime, and also to *Scott*, since his death, when the negroes were demanded of him, and compliance with the said Orphans Court's decree required, and they refused then to receive the same and give up the negroes, and have since put the defendants to very great expense in recovering their claim, they might well have been justi-