

judgment against a corporation in a county different from that of its visible and public location, the confession of a judgment in a court not having jurisdiction over the place of its residence, is a fact which should not be overlooked in an investigation of a charge of fraud, alleged to have been perpetrated by means of such a proceeding.

But although this court could not revise or reverse the judgment which *Oliver* had obtained in Anne Arundel County Court, yet its defects and infirmities, as indicated, were so palpable, that as he, himself, declares in his answer, he deemed it a mere nullity, which it was most prudent at once to abandon, and endeavour to authenticate his claim by a correct judgment; and, that, being so advised, he instituted a suit in Baltimore County Court, upon which he obtained that judgment on which he now relies; the proceedings upon which have been stayed by the injunction in this case.

This last judgment of the 26th of May, 1834, was also assailed by these plaintiffs upon the ground of its having been illegally and fraudulently confessed, with an intention, that it should operate as a lien, or mortgage upon the property of the company; and of its being about to be used as a means of having their whole property taken in execution and sold, so as to sacrifice the interests of the plaintiffs; and thus, indirectly to thrust them out from all connection or concern with the body politic. These allegations of the plaintiffs, on the motion to dissolve the injunction, appeared to be sufficiently sustained to have that restriction continued until the final hearing or further order.

But since the passing of that order, continuing the injunction, much testimony has been taken; and the result has been, that the plaintiffs have totally abandoned the original cause of their complaint. And first, by the decree of the 8th of March, allowed their bill to be dismissed; and then, by the decree of the 5th of April, consented, that all the estate of *The Cape Sable Company*, the protection of their interests in which was the sole object of their suit, should be sold for the satisfaction of this claim of *Oliver's*, among others, against that company. Hence, although, it may be true, that this last judgment may have been confessed with an intention that it should operate as a mortgage; and without the consent of three-fourths of the stockholders owning three-fourths of the shares; yet the assent to the decree in this case amounts to a virtual and clear relinquishment of that objection, and to an admission, that this judgment, upon which *Oliver* now