hath above alledged.—

Whereupon the said Board of Commissioners for the Frederick Female Seminary prayed leave of the Court here to withdraw the demurrers to the said writ of Scire facias aforesaid and the said second and third breaches, and to plead over, by the first Monday of June next, which prayer was, by the Court here granted.—

Whereupon further process of and upon the premises aforesaid between parties aforesaid, by consent of the said parties and their attornies aforesaid, and by order of the Court here thereon is further continued until the first Monday of November next.— At which said first Monday of November being the 6th day of the same month in the year of our Lord one thousand eight hundred and forty eight, comes again into the County Court here the said State of Maryland by its attorney General aforesaid, and the said Board of Commissioners for the Frederick Female Seminary by their attorney aforesaid,

Scire Facias.

The Board of Commissioners for the Frederick Female Seminary vs. The State of Maryland.—	In the Frederick County Court. And the said Board of Commissioners for the Frederick Female Seminary, by Joseph M. Palmer their attorney, come and defend the wrong

and injury when &c and pray a hearing of the said writ of Scire facias aforesaid, and to them it is read as follows, to wit: (here insert said writ and acts of incorporation therein contained in words and figures) which being read and heard, the said Board of Commissioners for the Frederick Female Seminary say, that the said State of Maryland, its writ of Scire facias to have and prosecute ought not, because protesting that the said second and third breaches or charges in said writ of Scire facias and the matters therein contained are not sufficient in law, to which said second and third breaches in said writ, the said Board of Commissioners for the Frederick Female Seminary are not bound by the law of the land to answer; yet for plea, nevertheless, in this behalf, the said Board of Commissioners for the Frederick Female Seminary say and aver, that the said Gideon Bantz, Christian Steiner and David Boyd heretofore, to wit, on or about the 8th day of July 1845, at Frederick County aforesaid, as a majority of the Commissioners for the Frederick Female Seminary under and by virtue of the provisions of the said act of the General Assembly of Maryland of December Session 1839 chapter 217, and the supplements thereto as heretofore recited (here insert said act in words and figures) did, after the said Board of Commissioners had first purchased and paid for as much ground in the City of Frederick as was necessary to build thereon all such houses and to make all such enclosures and other improvements as a majority of said Commissioners deemed suitable for a female academy, and after having so purchased and paid for said ground and had built thereon all such houses and had made all such enclosures and other improvements as a majority of said Commissioners deemed suitable and necessary for a female academy, and after the title of said ground was conveyed to said Commissioners in pursuance of said act of incorporation and for the purposes therein specified and not before, organized as a Board of Trustees of the Frederick Female Seminary, and as such trustees they did or-

ganize, establish and carry on, under the control and direction of Hiram Winchester, the duly elected President of said Institution, in said buildings a highly respectable female Seminary or school for the education of young ladies, and the said Board of Commissioners for the Frederick Female Seminary further say and aver that the said Trustees of the Frederick Female Seminary organized, established and carried on the said female Seminary or school in said buildings as trustees under and by virtue of the provisions of said act of incorporation, all and singular which matters and things the said Board of Commissioners for the Frederick Female Seminary are ready to verify, wherefore they pray judgment that the said liberties, privileges and franchises by them claimed in their answer aforesaid may be allowed, continued and adjudged to them, and not annulled and vacated, and that they may be discharged by the Court hereof and from the premises above charged against them &c.

And the said Board of Commissioners for the Frederick Female Seminary, with the leave of the Court here for this purpose first had and obtained according to the form of the statute in such case made and provided, further defend the force and injury when &c and further say that the said State, its said writ of Scire facias to have and maintain ought not, because protesting that the said writ of Scire facias and the matters therein contained are not sufficient in law, and that they, the said Board of Commissioners for the Frederick Female Seminary are not obliged by the law of the land to make answer thereto, for further plea nevertheless they doth say and aver that the said State ought not to have a judgment of the Court annulling and vacating the powers and franchises by reason of the premises in the said [redacted] writ of Scire facias mentioned and specified, because they say that true it is that Gideon Bantz, Christian Steiner and David Boyd, a majority of the Board of Trustees of the Frederick Female Seminary, did heretofore, to wit, on or about the 8th day of July 1845, by virtue of a certain act of the General Assembly of the State of Maryland, passed December Session 1839 chapter 217, and the supplements thereto heretofore recited, (here insert said act in words and figures) after they had organized and constituted themselves into a Board of Trustees of the Frederick Female Seminary, by virtue of the authority of said act of Assembly, organize, establish, open and carry on under the control and by the agency of Hiram Winchester, a highly respectable female Seminary or school in said buildings so built and erected as aforesaid. And the said Board of Commissioners &c do further say that before they organized themselves into a board of Trustees, as much ground as was deemed necessary in the City of Frederick was purchased and paid for and all such suitable and proper houses enclosures and other improvements were made, built and erected thereon, as a majority of the Commissioners under said act of incorporation deemed suitable and proper for a female academy as preliminary to the organizing establishing and opening said female Seminary or school by said trustees as aforesaid. And the said Defendants further say that the said Gideon Bantz, Christian Steiner and David Boyd, after as much ground in the City of Frederick as was necessary was purchased and paid for and all such suitable and proper houses, enclosures and improvements were made, built and erected thereon, as a majority of the Commissioners under said act of incorporation deemed suitable and proper for a female