As Counsel of William B. McLaughlin, one of the Defendants in this cause, I desire in addition to the points and arguments so very ably advanced and made by my learned brothers in behalf of the Defendants, briefly to submit for the Court's consideration the following views:

The original bill filed in this ~~cause~~ case, had for its specific object the passage of a decree by this Court for the sale of the real and leasehold estate of which David Barnum died seized and possessed, known as the "City Hotel", and that the Defendants might account for and pay over to the Complainants, their alleged share of the rents and profits accruing upon the estate so left, subsequently to the death of Augustus Barnum, the father of the Complainants.

This bill, after argument, was by decree of this Court on the 25th of November 1862 was dismissed with costs to the Defendant.

On the 27th of November 1862, an appeal was entered from the decree of the 25th.

This appeal was argued, and on the 21st December 1866, the Court of Appeals reversed the decree of the 25th of November 1862, and remanded the cause to this Court.

On the 7th of March 1867, a bill of revivor was filed making new issues, and asking in respect of these additional issues, the appointment of receiver, &c

On the 9th July 1867, a petition based upon the averments, assumptions and new issues, presented by the bill of revivor, was filed, praying that the money supposed to be involved in the contro-

versy should be brought into Court, and that an injunction be granted, enjoining the action of the Trustee heretofore appointed in this case,

It is now respectfully suggested and contended for, that the principles and rules governing and regulating Courts of Equity, and their practice, do not authorize the making of a new case, or the presenting of new issues through a bill of revivor; that the office of such bill is simply to revive the matters and issues presented by the original bill, and which, by the decision of the Appellate Court has been remanded, and that to grant a receiver and injunction or order prayed in this case, would be an improvident and illegal exercise of the powers of this Court.

Wm. F. Preston Solr
for W. B. McLaughlin

And afterwards, to wit: on the twenty-ninth day of October, in the year aforesaid, the Court here passed and filed in said cause the following opinion, to wit:

David Barnum et al.
vs
Jennie Barnum, et al

In the Circuit Court of Baltimore City.
September Term 1867.

This cause remanded from the Court of Appeals, is now up on the prayer presented in the bill of revivor for the appointment of a receiver, and on petition subsequently filed, asking for an injunction, and for an order to bring money into Court.

The Complainants are grand-children of David Barnum, deceased, the original proprietor of the