

1810.

Gover  
vs  
Hall

*John Giles* was son of *Jacob Giles*, and died in the lifetime of his father, intestate, and without issue, and since the death of *Nathaniel* there has been no administration on his estate. That certain of the devisees and representatives of *Jacob* are since dead, none of them having ever answered the bill of revivor against them, although commissions had issued by consent, and testimony had been taken. He prayed that the suit might stand and be revived against the executors, devisees and representatives, of *Jacob*, the representatives of *Nathaniel*, and the representatives of the deceased representatives, &c. On the coming in of the answers of all the devisees and representatives, it was agreed that all the testimony which had been taken, should be read in evidence in the same manner as if all the parties had regularly appeared and answered before it had been taken. The defendants agreed to release to the complainant all claim on the bond from *Garrett to Giles*, stated in the bill of complaint. The case was argued by counsel, and submitted.

HANSON, Chancellor, (22d December 1797.) The original bill had three objects, viz. For the complainant to be relieved on the ground of fraud and imposition against a bond by him passed, on a settlement of accounts, to the defendant; to have an account of the profits of certain works carried on in partnership, the complainant's share whereof was by him released in consequence of the same fraud and imposition; and lastly, as representative of another partner to have an account of the share of profits from which the said partner was arbitrarily excluded. The chancellor cannot omit to remark on the long continuance of this cause. For many years the want of progression appears to have been owing to the neglect of one or both of the parties. Abatement by death, then took place, in the ordinary course of human events. After a revival of the suit, a want of attention or negligence permitted another suspension of proceedings, and at length other deaths, with the operation of the descent law, rendered it extremely difficult, even with proper attention and exertions in those concerned, to have all proper parties before the court. This is not perhaps the worst consequence of delay. After such a lapse it was not to be expected that those facts which, in the beginning, living