

And it is further decreed, that the defendants, Samuel Chase, Matilda Ridgely, and Ann Chase, pay unto the said Hannah K. Chase, the plaintiff, one-third part of the rent reserved by the lease to the said James Bryden, from the 19th of April, 1811, (the day of the death of the said late Samuel Chase,) until the expiration of the said lease; and further, that the said defendants pay unto the said plaintiff one-third part of the rents and profits of the said property, in the proceedings mentioned, from the termination of the said lease until the time of the said plaintiff's being put into possession of her dower in the said premises.

And for the purpose of having an account taken of the said rents and profits, it is further decreed, that this case be and the same is hereby referred to the auditor, with directions to state an account or accounts, from the proceedings and proofs in the case, or from such other testimony as may be laid before him by the parties. And it is further ordered, that each party on giving to the other, or her, or their solicitor three days' notice, as usual, be and they are hereby authorized to have testimony taken before the commissioners appointed to take testimony in the City of Baltimore, in relation to the rents and profits of the premises, to be used before the auditor and the Court; provided it be taken and filed with the register on or before the first day of June next.

A commission was issued as directed by this decree, and the commissioners in their return, filed on the 29th June, 1827, state a mode in which it was practicable to have the dower specifically assigned; but they say, they are unanimous in the opinion, derived from a patient, careful and cautious examination, that the location would tend to the manifest injury and disadvantage of the parties; the property having been expressly constructed for a tavern, &c. &c. But the defendants having appealed from this decree, the Court of Appeals on the 25th July, 1828, dismissed the bill with costs.

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\* LINGAN v. HENDERSON.

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PLEADING AND PRACTICE IN EQUITY.—STATUTE OF FRAUDS.—PRAYER FOR RELIEF.—ANSWERS OF SEVERAL DEFENDANTS.—VENDOR'S LIEN.—LIMITATIONS IN EQUITY.

The plaintiff by petition, stating on oath the circumstances, may, before the coming in of the answer, obtain a commission to take the testimony *de bene esse* of an aged and infirm witness.

An order for publication, warning an absent defendant to appear, as the substitute for a subpoena, is granted as of course; because a plaintiff so proceeds at his peril; and it must go against a wife as well as her husband, or she will not be bound.