

March, 1829, might be estimated at \$600. That Mrs. Duncan discharged the annuity to the 4th of March, 1820; and the defendant Robinson had paid the annuity for the years ending respectively on the 4th of March, 1826; 4th of March, 1827; and 4th of March, 1828. The complainants, therefore claim their annuity from the 4th of March, 1820, to the 4th of March, 1825, and from the 4th of March, 1828, to the 4th of March, 1829; six years, at \$60, being \$360; and interest on each year as it became due, amounting to \$112.86; being in the whole, \$472.86. And that the plaintiff Anna Maria Townshend, was aged thirty-three years, or thereabouts, and enjoyed good health.

The defendants excepted to this report, first, because the auditor had not allowed to the defendants all the credit to which, by the evidence in the cause, they were entitled; especially the sum of \$20, admitted to have been paid by the late Mrs. Duncan over and above the amount credited to her, by the auditor in his account; second, because there was no evidence whatsoever in the cause, duly and regularly taken, according to the course of Chancery proceedings, by which the said defendants can, in any wise, be charged or affected, or any decree passed against the infant defendants and Robinson, or touching or concerning the interest of said infants or said Robinson in the land in the bill mentioned, or otherwise; and thirdly, because the said report and accounts are in other respects erroneous.

After these exceptions had been filed, the plaintiffs admitted; that the late Deborah Duncan had paid \$20, which had not been credited by the auditor.

On the 25th of July, 1829, the infant defendants William and Caroline, by their next friend, filed their petition, in which they stated, that they could prove that Deborah Duncan had been appointed guardian for them by the Orphans' Court of Anne Arundel \* County, and had received the rents and profits of the  
**78** said land for six years; but had never accounted with the Orphans' Court, as guardian, for any other sum of money than the balance remaining, after deducting from the gross amount of rents and profits, the sum of \$60 per year. Whereupon they prayed, that a commission might be issued; or some order passed to enable them to obtain the benefit of the said testimony, &c.

Upon which the Chancellor expressed a wish to hear counsel; and for that purpose ordered, that the matter should stand over until further order. But the matter was not again moved on behalf of the infant defendants.

BLAND, C., 12th August, 1829.—This case standing ready for hearing, and having been submitted on notes by the solicitors of the parties, the proceedings were read and considered.