

legal representatives may be held liable; but their estate is liable to these plaintiffs, to whom the sureties or legal representatives of the late Deborah Duncan can, perhaps be in no way held accountable; certainly not in this suit. The present guardian of these infant defendants, Joseph Robinson, not having answered; and having thereby tacitly admitted, that he had received a sufficiency of rents and profits from his ward's estate, must be held absolutely liable for the whole amount of the annuity which has accrued and been left unpaid, during the time of his guardianship. For the purpose of having a statement made upon these principles, the case must be again sent to the auditor.

Ordered, that this case be, and the same is hereby again referred to the auditor, with directions to state an account, shewing the amount of the arrearages of the said annuity which became due during the life-time of the late Deborah Duncan; after giving her credit for the sum of \$20, as of the year 1821, in addition to the credits heretofore given. And further, to state an account of the amount of the arrearages of the said annuity, left unpaid by the present guardian, the defendant Joseph Robinson.

On the 13th of August, 1829, the auditor reported, that he had in obedience to this order, again examined the proceedings, and stated, first, an account between Deborah Duncan, deceased, and the complainants, in which was charged the arrearages of the complainant's annuity to the supposed time of Deborah Duncan's death. That the proof was, that she died in the latter end of the year 1824; upon which he had assumed, as a mean period, the 4th of October of that year. That he had allowed a credit for *\$20, paid on account of the annuity accrued on the 4th of
88 March, 1821, agreeably to the said order. That interest was charged on the annual arrearages from the 4th of March of each year. And that the sum due to the complainants, was \$354.16, with further interest on \$255, part thereof, from that date until paid. And secondly, an account between Joseph Robinson and the complainants, of arrearages accrued since the death of Deborah Duncan. That interest was there also allowed on the annual arrearages, as in the first account. And that there appeared to be due to the complainants on this account, the sum of \$93.26, with further interest on \$85, part thereof, from that date until paid. Upon which report the case was submitted by the solicitors of the parties for final adjudication.

BLAND, C., 17th August, 1829.—Decreed, that the said bill of complaint be and the same is hereby taken *pro confesso*, as against the defendant Joseph Robinson. And it is further decreed, that the infant defendants Caroline Duncan and William J. B. Duncan, or the said Joseph Robinson as their guardian out of the estate