

An order of publication was passed on the 12th of May, 1800, in the usual form, warning all the defendants who were therein stated to be non-residents of the State, to appear and answer. The proof of the publication of this order was made by producing the newspapers themselves.

On the 6th of January, 1802, Thomas Smyth, James Clayland, and Benjamin Chew, filed their several answers, in which Smyth and Clayland specially and particularly deny all the allegations of defect of title, of fraud, forgery and misrepresentation, as charged in the bill; and Chew states that he had no knowledge of the contract respecting the lands; that the bonds he held were assigned to him for a valuable consideration; and that they were represented as free from abatement, and that the whole money was truly due.

Isaac Wikoff, on the 4th of August, 1804, filed his answer, in which he states, that he had no knowledge of the contract between the plaintiffs and Smyth and Lynch; that the bond he held, had been assigned to him for a valuable consideration, and that the money secured by it was then truly due. This answer was sworn to before the Mayor of the City of Philadelphia, and certified under the seal of the city.

On the 20th of December, 1804, a notice of motion to dissolve the injunction was entered on the docket, which at October Term, 1805, was enlarged to that term. At February Term, 1807, it was ordered, that a commission issue to Georgia on striking commissioners. An agreement was filed on the 14th of April, 1807, not now to be found among the papers, and a commission issued by consent to Peter Lasly and Thomas P. Carnes, or either of them. At December Term, 1810, Rule further proceeding by the fourth day of next term, or the bill to be dismissed. At February Term, 1811, the injunction was ordered to be dissolved *nisi* 18th March.

15 *On a letter from the solicitor of Walsh asking a postponement, the Chancellor on the 16th March, 1811, says, "The register is directed not to certify the dissolution of the injunction until further order." July Term, 1820, petition filed, order for commission *nisi* 22d of March, 1821, when a commission issued to complainants' commissioners.

The death of Richard Emory having been suggested on the 21st of October, 1825, his executor Thomas L. Emory was made a party defendant, who on the 15th of December, 1825, filed his answer, in which he states, that he had no knowledge of the contract between the plaintiffs and Smyth and Lynch; which he believes, however, to have been in all respects fair; that the bond held by him had been assigned to his testator for a valuable consideration; and that no part of the judgment he had obtained on it had been paid.

On the 24th of December, 1825, an order of notice of motion to dissolve the injunction in the usual terms was passed. On a petition filed on the 16th of November, 1826, by the com-