

entries of the judgment recovered by Lee against him, are filed as exhibits with the bill.

In this affidavit, made on the 2d of September, 1833, Lee swears that he rented the land of which the late William Duncan died seized, for the last seven years, from Robinson, as guardian of William B. and Caroline Duncan. "That the terms upon which he rented were, that Robinson should receive one-third of the annual crops of tobacco and grain, which have usually been sent to Baltimore to be sold, and the proceeds divided between deponent and the said Robinson. That by the terms of the contract the said Robinson had a right to receive his part of the crops in kind, and was not obliged to wait for the sales. That during the second year of deponent's tenancy, as well as he recollects, in the latter part of the summer or early part of the autumn, Richard Iglehart, then sheriff of Anne Arundel county, levied on the land and on the tobacco raised the previous year, to wit: Eleven hogsheads of tobacco to satisfy a *feri facias* issued, as deponent understood from Iglehart, out of the Chancery Court, at the instance of Perry Townshend and wife, against William J. B. Duncan and Caroline Duncan. That the said tobacco was, by permission of said Iglehart, sent to Baltimore by this deponent for sale, was sold, and one-third of the proceeds paid to said Iglehart."

The Chancellor granted the injunction as prayed, and after the return of the subpoena, an attachment was issued against the defendant at December term, 1838, returnable to the March term, 1839, which was then returned attached, and an order, *pro confesso*, passed, requiring the defendant to appear and answer, plead or demur to the bill, on or before the 4th day of the following July term. Under this order the defendant appeared on the 12th of July, 1839, and filed a general demurrer to the bill, in which the complainant joined. The cause was then continued until March term, 1844, when the defendant, by his counsel, submitted the demurrer to the Chancellor for decision, asking leave "to answer in case the demurrer should be decided against him." At the same term, the Chancellor, (*Bland*,) passed a decree overruling the demurrer and making the injunction perpetual.