

pass *quare clausum fregit*, within three years ensuing the cause of such action, and not after; and the said actions on the case for words, and actions of trespass of assault, battery, wounding, and imprisonment, or any of them, within one year from the time of the cause of such action accruing and not after. And this defendant saith, that neither he this defendant, nor to his knowledge or belief the said *John Henderson* deceased, this defendant's father, did at any time within *three* years before exhibiting the said bill or serving, or suing out process against the defendant to appear to and answer the same, promise or agree to come to any account for, or to pay, or any ways satisfy the said complainants, or the said *James M. Lingan* in the said bill of complaint mentioned, any sum or sums of money, for or by any reason or matters, transactions or things in the complainant's said bill of complaint mentioned, charged, or alleged. All which matters and things this defendant doth aver to be true, and is ready and willing to maintain and prove as this honourable court shall award; and he doth plead the same in bar to the whole of the said bill, and doth humbly demand the judgment of this honourable court whether he this defendant ought to be compelled to make any further or other answer to the said bill."

To this plea there was subjoined an affidavit of its truth; but there was no answer in its support denying the admissions and acknowledgments charged in the bill. The plaintiffs put in a general replication to this plea, and the case was thus, without the defendants *Sarah Henderson* and *Janet L. Henderson* having appeared, set down for final hearing, and the solicitors of the parties having been fully heard, the proceedings were submitted to the Chancellor for his final determination upon the whole case, as before set forth.

4th May, 1827.—BLAND, Chancellor.—Having come to the conclusion, that the land must be decreed to be sold for the payment of the purchase money, it is therefore ordered that this case be and the same is hereby referred to the auditor to make a statement of the purchase money now due.

On the next day the auditor reported, that he had found due from the estate of *John Henderson* deceased, to the estate of *James M. Lingan* deceased, the sum of \$11,924 14, with interest on \$5573 33, part thereof, from that time until paid.

8th May, 1827.—BLAND, Chancellor.—In whatever way this case may be considered, it is necessary, in the outset, to dispose of