

be done them, that an account may be had, that the said land may be sold; and under the direction of this court, the proceeds thereof applied to the payment of their annuity, with costs of suit; and the balance so invested as to stand an answerable fund to meet future instalments of said annuity; or that such other relief may be given to them as to the court may seem meet; and to the end that answers may be filed to all and singular the premises, to grant subpœnas, &c.

6th October, 1826.—BLAND, Chancellor.—The defendants *William J. B. Duncan* and *Caroline Duncan*, and *Joseph Robinson*, having been returned summoned, and not having appeared, or filed their answers within the time allowed by the rules of the court, it is DECREED, that the plaintiffs are entitled to relief, but as it does not appear to what relief they are entitled, it is Ordered, that a commission issue to such person as the complainants may name to take testimony to ascertain to what they are entitled. (a)

The plaintiffs, by their petition, stated, that the defendant *Thomas Iglehart*, had died since the commencement of this suit; and that administration *de bonis non* upon the estate of the testator *William Duncan*, had been granted to *John Iglehart*. Whereupon they prayed that he might be accordingly summoned as a defendant. (b)

8th March, 1827.—BLAND, Chancellor.—Ordered, that the said *John Iglehart*, be, and he is hereby made a party defendant, as prayed; and he is hereby directed to be summoned accordingly, to appear on the 10th day of April next; provided, that the summons be served as the law requires, on or before the twentieth instant.

After which, *John Iglehart* having been summoned, and having failed to appear and answer, a decree was, on the 20th of December, 1827, passed against him similar to that of the 6th of December, 1826. Under which decrees a commission was issued, in execution and return of which, the commissioners said that the solicitor of the plaintiff had produced and filed a certified copy of the last will and testament of *William Duncan*, which together with the commission, he returned and filed, on the 31st of Decem-

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(a) It is declared that wherever a subpœna shall be returned summoned, as to all or any of the defendants, making no distinction in favour of *infants*, the court must enter an interlocutory decree, &c. 1820, ch. 161, s. 1.—(b) 1820, ch. 161, s. 5.