

value thereof, from the death of the testator to the present time, might be estimated at \$175. That said land remained in possession of *Deborah Duncan*, the deceased's widow, from his death, on the 4th of March, 1819, to the latter end of 1824, the time of her death, say for the space of six years. There was no evidence of the amount of rents and profits actually received during this period. The value thereof, according to the proofs, might be estimated at \$1150. That from the death of *Deborah Duncan*, the rents and profits of the said land had been received by the defendant *Joseph Robinson*. And the value thereof, to the 4th of March, 1829, might be estimated at \$600. That *Mrs. Duncan* discharged the annuity to the 4th of March, 1820; and the defendant *Robinson* had paid the annuity for the years ending respectively on the 4th of March, 1826; 4th of March, 1827; and 4th of March, 1828. The complainants, therefore claim their annuity from the 4th of March, 1820, to the 4th of March, 1825, and from the 4th of March, 1828, to the 4th of March, 1829; six years, at \$60, being \$360; and interest on each year as it became due, amounting to \$112 86; being in the whole, \$472 86. And that the plaintiff *Anna Maria Townshend*, was aged thirty-three years, or thereabouts, and enjoyed good health.

The defendants excepted to this report, *first*, because the auditor had not allowed to the defendants all the credit to which, by the evidence in the cause, they were entitled; especially the sum of \$20, admitted to have been paid by the late *Mrs. Duncan* over and above the amount credited to her, by the auditor in his account; *second*, because there was no evidence whatsoever in the cause, duly and regularly taken, according to the course of chancery proceedings, by which the said defendants can, in any wise, be charged or affected, or any decree passed against the infant defendants and *Robinson*, or touching or concerning the interest of said infants or said *Robinson* in the land in the bill mentioned, or otherwise; and *thirdly*, because the said report and accounts are in other respects erroneous.

After these exceptions had been filed, the plaintiffs admitted, that the late *Deborah Duncan* had paid \$20, which had not been credited by the auditor.

On the 25th of July, 1829, the infant defendants *William* and *Caroline*, by their next friend, filed their petition, in which they stated, that they could prove that *Deborah Duncan* had been appointed guardian for them by the Orphans Court of *Anne Arun-*