

bill is taken for confessed. And the cause coming on again to be heard on the papers formerly read the report of the Commissioner, amended bill and exhibit filed, was argued by Counsel: On consideration whereof the Court being of opinion that the defendant Kipp, Hartman and Gardner are not bound by the order of November the 20th 1843 and account reported under same, because they were not at that time parties, doth order that said order and account be set aside: and that the defendant and Josiah L. Smith render an account of his transactions as guardian of Henry L. Johnson formerly Mary L. Cotton before Commissioner Hoadly who is directed to audit, state and report said account to Court: and that the Commissioner take the account marked, A, as the basis of his settlement, liable to be discharged and falsified: and state specially any matters deemed pertinent by himself or which may be required by either of the parties to be so stated.

Sege R. Johnson
against
Josiah L. Smith

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It appearing to the Court that more than two months have elapsed as well since the filing of the bill as the notice of the subpoena on the defendant who shall fail to appear and answer. On motion the bill is taken for confessed. And the cause coming on to be heard on the bill and exhibit filed, was argued by Counsel. On consideration whereof the Court doth adjudge, order and decree that the bill of the plaintiff be dismissed: and that he pay to the defendant his costs by him about his defence in this behalf expended.

Ordered that the Court be adjourned until Monday morning next Ten O'clock.

Rich. H. Baker