

PRACTICE IN CHANCERY—*Continued.*

- age, or by evidence if not of age, and if so established, the court has power to decree a sale. *Mewshaw vs. Mewshaw*, 12.
11. Though parties have a right to resort to demurrer, this mode of defence is viewed with suspicion and disfavor. The claim of the plaintiff must be stated with clearness; but if the case is so stated as to apprise the opposite party of the claim, he will not be permitted to object, on the ground of uncertainty, though every particular in circumstance is not stated. General certainty is sufficient. *Ib.*
 12. A defendant who submits to answer, must answer fully and explicitly, and may be pressed by exceptions until he thus answers. And a complainant who objects to an answer, because it is not sufficiently full, must have recourse to this method to bring out what is concealed or kept back. *Rider vs. Riley*, 16.
 13. Where an answer expressly denies the fact, upon which the equity of the complainant's claim rests, its weight and effect can only be overthrown by two witnesses, or one with pregnant circumstances. *Ib.*
 14. The decree in this case being against an executor, who is acting simply in the proper discharge of his office, will be without costs. *Linthicum vs. Linthicum*, 22.
 15. The filing a supplemental bill, is not a matter of course; but only by leave of the court upon sufficient cause shown: and in a doubtful case, the court may direct notice of the application to be given to the defendants who have appeared. *Winn & Ross, vs. Albert and Wife, and Jones*, 42.
 16. A new title, or new interest, may be set up by a supplemental bill, where the title relied upon in the original bill is sufficient to entitle the plaintiff to relief; but a confessedly bad title, thus relied upon, cannot be supported by a good title subsequently acquired, which is sought to be introduced by way of supplement. *Ib.*
 17. The plaintiffs in an original bill claimed title as grantees in a deed of trust, for the benefit of the creditors of an insolvent debtor, and were afterwards appointed permanent trustees of the same debtor under the insolvent laws. HELD—
That they had a right to introduce their new title as such trustees by a supplemental bill. *Ib.*
 18. In cases of concurrent jurisdiction, that court which has first assumed control over the subject matter of controversy, ought to be entitled to retain it. *Ib.*
 19. Upon a bill filed in this court, an injunction was granted restraining the defendant, Jones, from giving, and the defendants, Albert and wife, from receiving, from said Jones, a preference upon his other creditors. HELD—
That proceedings *subsequently* instituted by Albert and wife, in Baltimore County Court, as a Court of Equity, and a decree thereby obtained, giving them such preference, were violations of said injunction, and that this court had a right to prohibit, by injunction, the execution of such decree, and to treat the same with the proceedings by which it was obtained as a nullity. *Ib.*