

An answer may, by consent, be received without oath, and will be allowed to have full effect, as regards co-defendants, 285.

An answer on affirmation, before the revolution.—*Gardner v. Dick*, 277.

An insufficient answer is as no answer; and therefore, upon such default, the bill may be taken *pro confesso*, and a final decree passed.—*Buckingham v. Peddicord*, 447.

A plaintiff not allowed to file new exceptions, but must have the new answer put to the test of those first filed, 459.

A defendant permitted by a supplemental answer, to explain equivocal expressions, leaving the first answer to stand.—*Murdock's case*, 463.

APPEAL.

A decree of the Court of Appeals sent to the Court of Chancery to be executed, cannot be there revised or modified in any way whatever.—*Crapster v. Griffith*, 23.

Where there is a reasonable doubt, in a caveat case, patents are allowed, so as in effect, to give the benefit of an appeal.—*The Rail Road v. Hoye*, 263.

Where the Court of Appeals remand the case, or leaves any thing to be done by the Chancellor, the case should be brought before the Chancellor by petition, with a copy of the decree of the Court of Appeals.—*Contee v. Dawson*, 305; *Tyson v. Hollingsworth*, 330.

An appeal bond, on the decree being affirmed, becomes thereby an additional security for the debt.—*Andrews v. Scotton*, 669.

ARBITRATION.

No direction in a will, nor any agreement to refer to arbitration, can oust the courts of their jurisdiction.—*Contee v. Dawson*, 275.

Upon an award, returned under an order referring the case to arbitration, there may be a decree, 276.

Arbitration or compromise, recommended by the Chancellor.—*Norwood v. Norwood*, 478, 484.

This court never compels the performance of an award, unless made on a submission in court, 479.

ATTACHMENT.

A party may be arrested any where, and brought before the court under an attachment.—*Crapster v. Griffith*, 15.

When an attachment is in the nature of *mesne process*, the sheriff may take bail for the party's appearance; and on a return *cepi*, he may be ordered to bring in the body; or he may sue on the bail bond.—*Binney's case*, 101; *Deakin's case*, 408.

It is in most cases, better to decide on the motion to dissolve the injunction before an attachment for a breach of it, is disposed of, 102.

A person may be ordered to remove an erection, which he has made in breach of an injunction, as a part of the punishment under an attachment, 102.

The mode of obtaining and proceeding upon an attachment for a breach of an injunction.—*Murdock's case*, 456.

Pragmatic trespassers, pending an injunction, may be made to remove erections made by them on the property in controversy, 487.

A party taken under an attachment to enforce the payment of money, may be discharged by producing a release under the insolvent law.—*Andrews v. Scotton*, 663.

AUDITOR.

The auditor may be ordered to proceed to state the account immediately, unless prevented by particular circumstances.—*Crapster v. Griffith*, 8.

A case may, on good cause shewn by affidavit, be remanded to the auditor, with leave to take further proof, 21.

Where the case set forth in the bill, is such as to entitle the plaintiff to relief, the court may have further inquiries made by the auditor, so as to adapt the relief to the peculiar nature of the case. *Townshend v. Duncan*, 45; *Tilly v. Tilly*, 444; *Addison v. Bowie*, 611; *Norwood v. Norwood*, 477, 482.

The office, power, and duty of a master in Chancery, in England, and of the auditor of this court.—*Townshend v. Duncan*, 45.

Auditor's fees under the provincial government, 61, note.

Report under a decretal order to account. *Parker v. Mackall*, 65.

An exceptant ordered to pay a fine, for the delay, on over-ruling his exceptions to the auditor's report.—*Woodward v. Chapman*, 71.

A commission to account with special directions.—*Sloss v. McIlvane*, 73.

An order directing certain persons to state an account.—*Cheseldine v. Gordon*, 81.

A trustee having the profits of the estate in his hands, ordered to pay the auditor's fees.—*Winder v. Diffenderffer*, 176.

A witness or party, ordered to account, may be summoned, and compelled to give evidence before the auditor.—*Hammond v. Hammond*, 310.

Books and papers ordered to be produced to, and lodged with the auditor.—*Norwood v. Norwood*, 477.

In a creditor's suit, the auditor's report may be at once confirmed, as to all