

- any of them may waive the benefit of it without affecting the others, 25.
- A supplemental bill is a distinct record: but an original and amended bill are considered as one entire record, 20.
- The nature and effect of an amendment, 20.
- No amendment can be made without leave; if short, it may be made by an interlineation; but, in general should be made by a separate bill, 21.
- The prayer of a petitioner cannot be regarded farther than his rights may be injuriously affected, 21, 26.
- On an application for a rehearing it is not enough to shew that injustice has been done, but that it has been done under circumstances which authorize the court to interfere, 27.
- The old form of a decree setting forth the whole case as it appeared to the court.—*Anderson v. Rawlins*, 41.
- A creditor's bill need not allege and shew an insufficiency of the personalty in order to have a sale of the realty, that being an equity between the heir and executor.—*Tessier v. Wyse*, 43, 49.
- Where the then defendants are entitled to both personal and real estate, the personal representative of the deceased debtor need not to be made a party, 57.
- The mere fact of an infant's having attained his full age is not a ground for a rehearing in a creditor's suit, 61.
- An interrogatory, in the nature of a cross bill, propounded by a defendant to a plaintiff, answered by the monosyllable, *yes*.—*Salmon v. Clagett*, 130.
- It is necessary in all doubtful cases to recur to the reason of the law.—*Salmon v. Clagett*, 134.
- There are five modes of defence; 1, a demurrer; 2, a plea; 3, an answer, properly so called; 4, a matter in avoidance in the form of an answer; and 5, a defence found at the hearing as the production of the whole case, 142.
- The cases which consider any matter in avoidance embodied in an answer as operating like a plea make a new use of such an answer, which cannot be allowed, 149, 158.
- On an affidavit at the hearing, of a misapprehension in taking evidence, or that a material witness has just returned, or been discovered, the case may be continued with leave to issue a commission, 166, 167.
- Where a defendant is in custody as a lunatic, it is of course for his committee to answer for him; but if the committee be interested, then the lunatic must have a guardian.—*Hewitt's case*, 184.
- Under a decree for a sale the trustee may reserve a bid or have a bye-bidder in certain cases.—*Williams' case*, 212.
- The actual holder of the estate may be ordered to pay an occupation rent pending the litigation, 216.
- In a creditor's suit the auditor should arrange the claims in classes.—*Simmons v. Tongue*, 353.
- On exceptions for impertinence, scandal, or insufficiency, a day is appointed for hearing before the Chancellor.—*Price v. Tyson*, 400.
- The plaintiff pays the costs of a bill of discovery, 406.
- But the defendant to a bill of discovery made to pay the costs of exceptions for insufficiency, 406.
- If the plaintiff brings on the case for hearing on bill and answer, he thereby admits the answer to be true.—*McKim v. Odom*, 409.
- The bill dismissed as to some of the defendants, and relief granted against others, 410, 432.
- After an appeal had been taken, the plaintiff, on dismissing his appeal, allowed to amend his bill, on which a new injunction was granted on terms, 413.
- There can be no substituted service of a *subpœna* to answer an amended bill upon a soilcitor, as against a resident defendant, 430.
- Attorneys allowed five *per cent.* for suing for, and collecting the proceeds of sales under a decree.—*Post v. Mackall*, 528.
- On the filing of a bill the defendant may instantly put in his answer so as thereby to prevent the granting of an injunction.—*Hall v. McPherson*, 531.
- As by a decree to account, the defendant becomes an actor, the plaintiff cannot thereafter dismiss his bill without notice to the defendant by a rule further proceedings, 538.
- A discharge under the insolvent law of a party to a pending suit does not operate as an abatement; but the suit becoming thereby defective, the defect must be removed before it can proceed, 538.
- The various modes in which a bill may be taken *pro confesso*.—*Neale v. Hagthrop*, 570, 575.
- Statements in a bill or answer as to agreements with persons not parties to the suit, the nature and validity of which agreements are not drawn in question, and all careless verbiage may be rejected as mere surplusage, 566, 580.
- A citizen can only be sued or arrested by civil process in the county in which he resides; but may be taken by an attachment from the Court of Chancery any where within the state.—*The Cape Sable Company's case*, 664.
- Cases consolidated by the manner of treating them, or by consent, 623, 626.