

PLEADING.—*Continued.*

10. It is sufficient, that the husband alone be made a party, to shew, that he has obtained satisfaction for the *chose in action* of his wife. *Contee v. Dawson*, 248.
11. A party cannot avail himself of proof, in regard to any matter not alleged. *Ib.*
12. An executor must expressly aver an insufficiency of assets, otherwise he cannot prove it, and so avail himself of the fact. *Ib.*
13. The general rule, that all persons interested must be made parties, is made to yield where necessary, either as to plaintiffs or defendants. *Watkins v. Worthington*, 486.
14. A disclaimer should be explicit, and can only be received from a defendant who is subject to no liability. *Worthington v. Lee*, 642.
15. All persons having an interest in the object of the suit should be made parties. *Ib.*
16. A petition for the production of books and papers to be used on a trial at law, must give a sufficient description of such documentary evidence. *Duval v. Farmers Bank*, 649.

See CORPORATION, 1.

DEBTOR AND CREDITOR, 20, 25-31, 47, 48, 61, 62.

GUARDIAN AND WARD, 2.

MORTGAGE, 2-5.

PRACTICE, 19, 20, 21, 34, 42, 43.

POTOMAC RIVER.

The Potomac River belongs entirely to Maryland—above tide, it was not originally deemed a navigable river; but has been made so, in a qualified manner, by law. *Binney's Case*, 95.

PRACTICE.

1. The auditor may be ordered to proceed immediately to the adjustment of an account—a settlement in the Orphans' Court by a guardian is not conclusive; but when relied on by him here, he should produce the vouchers on which it was founded. *Crapster v. Griffith*, 1.
2. A plaintiff, after a decree in his favor for the delivery of certain negroes, may, by a new bill, recover their increase and profits subsequent to the auditor's report, and not included in that decree. *Ib.*
3. A decree of the Court of Appeals, sent to the Court of Chancery to be executed, cannot be there revised or modified in any material particular. *Ib.*
4. A *feme covert* defendant attached for not answering. The bill amended so as to charge, that an infant defendant had attained her full age, that she might be compelled to answer as an adult. Where there is a plurality of defendants, and a commission, with consent of some of them only, has been issued, the testimony so taken cannot be read against those who had not consented to the issuing of the commission. *Kipp v. Hanna*, 22.
5. Where there was an annual sum given by will to one, "to be paid out of the profits of the real estate" devised to another, Chancery may decree an account for it, or may have the land sold for its payment, or have it raised out of the rents and profits by putting a receiver upon the estate, or may grant a personal decree against infants or