

PRACTICE.—Continued.

22. An order confirming an auditor's report is a judgment of this Court, final in regard to the matter to which it relates. *Ib.*
23. The foundation for an order to bring money into Court, must be found in the direct progress of the case, and be such as is not open to be removed or explained away. *Ib.*
24. The answer of a defendant, resident out of the State, is a judicial record of this State, and must be authenticated accordingly as such. *Ib.*
25. In accordance with the spirit of the Federal Constitution, it is proper to go as far as may be safe, in giving credit to authentications coming from other States of the Union. *Ib.*
26. An answer, by consent of the plaintiff, may be received without being sworn to; and will be allowed to have full effect as regards co-defendants. *Ib.*
27. The Court must decree between co-defendants, so as to close the case. *Ib.*
28. The auditor may summon a witness to attend and give evidence before him and on his failing to do so, the Court will compel him to attend and testify. *Hammond v. Hammond*, 287.
29. Where certain proceedings, apparently distinct, relate to the same estate, and have been linked together by an order, they may be thenceforward proceeded in as one suit. *Deakins' Case*, 382.
30. The course of proceeding against a defendant, whose answer, on exceptions, has been held insufficient; or who has contumaciously neglected to answer; or who has, on demurrer or plea, failed to protect himself from answering as the bill requires. *Buckingham v. Peddicord*, 427.
31. The Acts of Assembly in relation to proceedings against non-resident, absconding, or contumacious defendants considered. *Ib.*
32. In all such cases the bill may be taken *pro confesso*, or testimony taken, upon which the Court pronounces the decree; and if it has no jurisdiction must dismiss the bill. *Ib.*
33. How discovery may be had where the bill may be taken *pro confesso*. *Ib.*
34. An insufficient answer is as no answer; and therefore, upon such default, the bill may be taken *pro confesso*, and a final decree passed. *Ib.*
35. A defendant may be permitted, by a supplemental answer, to explain equivocal expressions used in his first answer, leaving the first answer to stand. *Murdock's Case*, 439.
36. In a bill filed by a mortgagee to stay waste, before the debt became due, the prayer for a sale being incompatible with its other statements, was rejected as surplusage; and such a bill was not, afterwards, on a bill to foreclose or sell, considered as another bill then pending for the same cause of suit. *Ib.*
37. The course of proceeding against persons *non compos mentis*, and against *femes covert*. *Watkins v. Worthington*, 486.
38. Where it becomes necessary to have the plaintiff's next friend examined as a witness, he may be discharged for that purpose, and another appointed in his place. *Helms v. Franciscus*, 519.