have an order of publication against a foreign corporation; or have the bill taken *pro confesso* as against natural persons; or that he may, in the discretion of the Court, have an immediate sequestration of the property of the corporation. That in all cases the chief officer or principal members of the body politic, who have a knowledge, or who are charged with having a knowledge of the facts stated in the bill, should make oath to the truth of its answer, as if it were their own, and be subject to the like penalties. And that it should not be necessary, in any case, to make an officer or member of the body politic a co-defendant for the sole purpose of obtaining an answer on oath. And also, that the Court should be

425 *allowed, where the right to a deposit, or the stock of a company, was made the subject of controversy in any suit, to order the company to transfer or hold its stock, and to pay or hold dividends or deposits, as the justice of the case might require, by serving upon them a copy of such order without making them parties to the suit. These few alterations in the course of the procedure of this Court, would save to all parties, in such cases, a deal of time, trouble, and expense, which is now unnecessarily wasted. (Some alterations have been since made by the Acts of 1832, ch. 306, and 1834, ch. 89.)

When I consider that this is the first application of its kind; that there has been heretofore no regularly settled practice in this Court in relation to bodies politic; and that it has a large, and almost unlimited control over its own rules of practice, *Dicas* v. *Lord Brougham*, 25 *Com. Law Rep.* 382, I feel tempted at once to make those evidently useful alterations as to the course of proceeding against corporations. But when, on the other hand, I recollect that it has been always considered as an established principle, that this Court is confined, in all material particulars, to those forms of proceeding which have been settled by the Court of Chancery of England, from which it has deduced all its modes of acting, *Digges' Lessee* v. *Beale*, 1 *H. & McH.* 71; *Ringgold's Case*, 1 *Bland*, 18, and also, that this conformity to the ancient English course of proceeding, has been, in various ways, recognized and affirmed by legislative enactments, 1785, ch. 72, s. 25 and 26; *Collyer on Partn.* 412, I have become satisfied that it is safest and best to leave the matter to the General Assembly, who alone are competent to alter and shorten the process in Chancery, permanently and effectually. I shall, therefore, hold myself bound to adopt and apply the ancient and known writs and process of the English Court of Chancery, so far as they have not been altered or affected by the principles of our government; or the positive provisions of our laws, in the best manner that the nature and circumstances of the case will permit.

It is said, in one of the very respectable treatises on equity pleading, that "in the case of a corporation aggregate, where the