PRACTICE IN CHANCERY—*Continued.*

10. Upon motion to dissolve, credit can only be given to the answer, in so far as it speaks of responsive matters, within the personal knowledge of the defendant, and unless so speaking, the equity of the bill is sworn away, the injunction cannot be dissolved. *Ib.*
11. Although an answer founded upon hearsay is not to be treated as an answer resting upon personal knowledge, it is sufficient to put the complainant upon proof of the averments of his bill. *Ib.*
12. Where an original and amended bill merely unite two causes of complaint growing out of the same transaction, affecting the same question of right, being the right of the complainant to relief against the judgment of the defendant, they cannot be regarded as obnoxious to the objection of multifariousness. *Ib.*
13. It is too late to urge the objection of misjoinder of plaintiffs, when the case is ready for decision upon its merits, when there is no demurrer and the answer takes no such defence. *Crain* vs. *Barnes & Fergusson*, 151.
14. Courts of equity are not subject to those strict technical rules which, in other courts, are sometimes found in the way and difficult to surmount. The remedies here are moulded so as to reach the real merits of the controversy, and justice will not be suffered to be entangled in a web of technicalities. *Ib.*
15. The omission of the prayer for the specific relief, is no reason why, under the general prayer, the complainants may not have such relief as the case alleged and proved may entitle them to. *Ib.*
16. The only limitation upon the power of the court to grant relief under the general prayer, is, that it must be agreeable to the case made by the bill, and not different from or inconsistent with it. *Ib.*
17. It is a fatal objection to the return of a commission to make partition, that the value of the estate in writing, has not been stated by the commissioners. *Cecil* vs. *Dorsey*, 223.
18. The clause directing the commissioners to take evidence, should be added to the form of the commission. *Ib.*
19. The act of assembly requiring thirty days notice to be given of the execution of the commission, is not complied with, by stating in the return that *reasonable notice* was given ; but the commissioners must say in their return, either that they gave at least thirty days notice, or due notice according to law. *Ib.*
20. The fact that the trustee of an insolvent debtor was a party to the suit, does not dispense with the necessity of making the creditors themselves parties. *Duvall* vs. *Speed*, 229.
21. Where a claim has been submitted to, and adjudicated upon by the court, and finally rejected through the negligence of its owner. He will not be allowed to re-open the judgment of the court, and ask for and obtain a re-hearing upon additional proof. *Dixon* vs. *Dixon*, 271.
22. But where no adjudication has been had upon the claim, and the fund for distribution remains in court, equity requires that the new proof should be considered, and if found sufficient to remove the objection to it, the claim should be allowed. *Ib.*