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PRACTICE IN CHANCERY—Continued.

31. The complainant cannot rely upon the admissions of the answer, and obtain relief upon those admissions, unless he has set them out in his bill. *Ib.*
32. A complainant in his bill cannot put in issue whatever he intends proving, otherwise the evidence will be excluded. The Court of Chancery decrees only *secundum allegata et probata*. *Ib.*
33. There being no allegation in the bill of part performance, the evidence seeking to establish, it was excluded. *Ib.*
34. When a deed is rendered inoperative and void, by disproving the consideration expressed in it, evidence of a different consideration will not be received to set it up. *Elysville Manuf. Co. vs. Okisko Co.*, 392.
35. But, where a party maintains the validity of a deed, and seeks, upon the allegation that the consideration money has not been paid, to enforce its payment by the assertion of the vendor's lien, evidence may be admitted to prove, that he has been satisfied for the purchase money, by receiving something else as an equivalent therefor. *Ib.*
36. When a court of equity has control of both personal and real estate, it will, in order to prevent circuitry, and save expense and delay, apply them in the order in which, as between the heir and executor, they are liable. *Goodburn vs. Stevens*, 420.
37. A decree is considered as enrolled, when signed by the Chancellor, filed by the Register, and the term elapsed at which it was made, and such decree cannot be reheard upon petition. *Pfeltz vs. Pfeltz*, 455.
38. Every decree stands, and must be all owned to stand, for what it purports to be on its face, until it has been revised or reversed, in a proper and solemn manner. *Ib.*
39. A decree passed for the sale of property for the purpose of partition among the parties to the cause. After enrollment of this decree, a petition was filed by one of the parties, setting up an exclusive right to the whole proceeds of sale. **HELD—**
That as the decree contained no reservation of equities, or for further directions, it was of course final upon the rights of the parties, and that this court upon such petition had no more power to change the rights thus settled, than it would have to open the enrollment and vacate the decree. *Ib.*
40. When a decree is obtained and enrolled, though on a bill taken *pro confesso*, it cannot be reheard on petition, and the remedy of the party grieved, is by a bill to set aside the decree for fraud, or a bill of review, which only lies against those, who were parties to the original bill. *Ib.*
41. A bill of review founded on new matter discovered since the decree, cannot be filed without leave, and the granting of this leave, is left to the sound discretion of the court, arising out of the circumstances of each case. *Ib.*
42. The limitation of time as to appeals from the decrees of the court, applies to the right of filing bills of review, and such a bill filed nine months after the date of the decree, comes too late. *Ib.*