

CULLISON AND WIFE }
 vs. }
 JOHN BOSSOM ET AL. } SEPTEMBER TERM, 1847.

[DEMURRER—DISCOVERY—AMENDMENT.]

UPON a demurrer to a bill, because it sought to compel the defendants to a disclosure of their titles, HELD—

That the right of a plaintiff in equity to the benefit of the defendant's oath, is limited to a discovery of such material facts as relate to the plaintiff's case ; and does not extend to a discovery of the manner in which, or the evidence by means of which, the defendant's case is to be established.

Where there is a privity shown to exist between the title of the plaintiff and defendant, that privity may give him the right to call for an exposure of the defendant's title ; but unless such connection is shown, he has no such right, whether the bill be for discovery only, or for discovery and relief.

The title of the plaintiffs not appearing to be at all dependent upon, or connected with, that of the defendant, the demurrer was ruled good.

Allowing a demurrer to a whole bill, in strictness, puts it out of court, and no subsequent proceedings can be taken in the cause ; yet, the court has sometimes permitted an amendment of the bill to be made.

[This case was brought before the court on a demurrer to the bill—the arguments of the solicitors for the parties, having been submitted to the Chancellor in writing.

The bill was filed by the grand-daughter of Daniel McComesky, deceased, and her husband, against the defendants, stating that the latter professed to claim a portion of the lands of the deceased, through one of his devisees, also deceased. After tracing the title of the female complainant as one of the heirs at law, as well to the deceased testator, as to his devisee, through whom the defendants claim, the bill prays that “the defendants may answer the premises as fully as if again thereto especially interrogated, and may state particularly by what title, or titles, or writings, they severally claim to be entitled to any part of said estate, and may produce all and every such writings, or titles.” The bill further prayed, that the lands might be sold and a distribution made of the proceeds ; and for further relief.

Those of the defendants who did not disclaim all interest in