

PATENTS.

See LAND OFFICE.

PRACTICE IN CHANCERY.

1. A plaintiff suing at law and in equity at the same time, and for the same matter, will be compelled to elect in which court he will proceed. The reason and object of this rule is, to relieve a defendant from the "double vexation" of defending himself in two courts, against the same demand, and to avoid the clashing of jurisdiction, which would result from a jury finding a verdict one way, and the Chancellor deciding another. *Bradford & Williams vs. Williams et al.*, 1.
2. The party put to his election, will be allowed a reasonable time to determine. This time seems now to be eight days. *Ib.*
3. If a plaintiff refuses to elect, his bill will be dismissed with costs. *Ib.*
4. Any decisive act of the party, with knowledge of his rights and of the facts, such as asking to have a commission remanded upon any ground determines his election. *Ib.*
5. The rule as to election, cannot be evaded by mingling other grounds of complaint in the action at law, with that which is comprehended in the bill in equity, where the real substantial ground of complaint is the same in both courts. *Ib.*
6. One of several defendants, without the concurrence of the rest, has the right to compel an election. *Ib.*
7. Where a partnership still subsists, to authorize either partner to apply for an injunction, and the appointment of a receiver, he must be prepared to show a case of great abuse or strong misconduct. Query, should not the bill likewise ask for a dissolution of the partnership? *O'Bryan vs. Gibbons*, 9.
8. After dissolution, the objection to an injunction and the appointment of a receiver is not so strong. But to induce the court to exert this strong authority, some urgent and pressing necessity must be shown. *Ib.*
9. Upon the motion to dissolve, the court cannot decide that the contract of dissolution is void. This contract transferred the legal title to the defendant, and this court is always reluctant to interfere in opposition to the legal title, and will only do so in case of fraud, clearly proved, or of imminent danger. *Ib.*
10. Bill for the sale of lands, held in common by plaintiffs and defendants. Demurrer on the ground that the bill was for a partition, under the act to direct descents, or was addressed to the general power of the court to make partition, and that the bill was not in form under the act of descents, and was otherwise defective. Also, that the name of the lands to be sold was not stated. **HELD—**

That it is a proceeding under the act of 1831, ch. 311, sec. 7. By the act of 1785, ch. 72, sec. 12, the court is empowered to sell lands, in which infants are interested. That provision is extended by the act of 1831, to cases where the parties are of full age. To give the court jurisdiction under these acts, the bill should allege that a sale would be for the advantage of the parties, and the allegation must be established by admission, if the parties are of