

PRACTICE IN CHANCERY—*Continued.*

40. As a general rule, no claim should be stated or noticed by the Auditor, unless filed in the cause in which the fund is to be distributed; but when he is referred to claims filed in another cause by some sufficient designation, and is instructed to state them, there can be no reason why he should not do it, as it would prevent the necessity of shifting claims, or the vouchers of claims from one cause to another, and thereby obviate much inconvenience. *Winn & Ross vs. Albert and Wife*, 169.
41. Objection to the jurisdiction of this court may be taken either by way of exception, or by an amended answer. *Hughes vs. Jones*, 179.
42. Where the complainants, by their bill, asserted their title under the will of a testator, and claimed relief accordingly, and also stated every fact necessary to enable them to recover as his personal representatives, it was HELD—
That under the prayer for general relief, they were entitled to recover as the personal representatives of the testator, though they might not be so entitled according to the specific prayer, or the precise character in which they present their claim. *Wootton vs. Burch*, 190.
43. Their title, as personal representatives, is a conclusion of law, founded upon the statements of the bill, and it is well settled, that where facts are stated, upon which legal conclusions arise, these legal conclusions need not themselves be stated. *Ib.*
44. Though a complainant in equity may read a portion of an answer, and is not bound, as he would be at law, to read the whole, yet he will not be allowed to read a passage from the answer for the purpose of fixing the defendant with an admission, without reading the explanations and qualifications by which the admission may be accompanied. *Glenn vs. Randall*, 220.
45. The bill alleges that the deeds sought to be vacated as fraudulent, are destitute of any valuable consideration of any description; and the defendants are expressly asked to discover what consideration was paid, and to whom; and the answer admits that a part of the purchase money was paid after the execution of the deeds, in discharge of the debts of the grantor, assumed by the grantees, a part having been previously paid. HELD—
That the plaintiff should not be permitted to catch hold of the admission that the consideration was not all paid to the grantor at the time of, and prior to, the execution of the deeds, and exclude that portion of the answer which states how and when it was paid. *Ib.*
46. If a plaintiff chooses to read a passage from the defendant's answer, he must read all the circumstances stated in the passage, and if the passage so read contains a reference to any other passage, that must be read also. *Ib.*
47. The proper way to bring the question of privileged communications before a court of equity, is for the witness, when he declines answering