

PRACTICE IN CHANCERY—*Continued.*

- the interrogatory, to state his objection before the commissioners who return the commission with what is called the witness' demurrer, and the question is then set down for argument. *Chew vs. The Farmers' Bank*, 231.
48. A petition asking leave to file a supplemental bill, in the nature of a bill of review, may be filed at any time before the decree is enrolled. *Ridgeway vs. Toram*, 303.
49. In this state there is no formal rule for the publication of testimony, as in England, but objections to the evidence are taken and considered at the hearing. *Ib.*
50. If the parties at any time before the hearing should discover new evidence, they will, upon application, be allowed to take it; and if such new evidence requires the bill to be amended, an order for that purpose will be passed, or, perhaps, it may be amended, and a supplemental bill filed without an order, as a matter of course. *Ib.*
51. On an application for leave to file a supplemental bill, in the nature of a bill of review, it is not enough that the new facts were not known before the hearing, but it must appear that the party could not have known them by use of reasonable diligence, for any laches or neglect, in this respect, destroys the title to relief. *Ib.*
52. The imperfections in an original bill rendering a supplemental bill necessary, may arise either from the importance of the omitted fact not being previously understood, or from the fact itself not having come to the knowledge of the party until after the bill was filed. *Ib.*
53. But a party will not be allowed to file a supplemental bill, in the nature of a bill of review, upon the ground that the importance of newly discovered evidence, was not understood until after the decree had passed, when such evidence was known to him, or might have been known by the use of reasonable diligence in time to be used, when the decree passed. *Ib.*
54. G. and S. having been appointed trustees to sell certain property, in a cause in which they, as administrators of A. F., were complainants, and one R. F. was defendant, sold the same to said R. F. By the Auditor's report in that case, which was confirmed by the Chancellor, the sum of \$1,208 76 was assigned to said R. F. Another bill was afterwards filed by the administrator of R. F., against the said trustees, to enforce the payment of this sum. *Held*—  
That the regular and proper course of proceeding, was by a petition in the first cause to enforce the order of the Chancellor, ratifying the report of the Auditor, and not by an independent bill. *Frieze vs. Glenn & Stewart*, 362.
55. That as the bill was for the payment of a specific sum of money, and not for an account generally, though the plaintiff can have no decree, the defendants cannot have one for their overpayment. *Ib.*
56. A decree is not considered as enrolled until the close of the term at which it was passed, which does not expire until the commencement of the ensuing term, and, therefore, a decree passed during the sit-