PRACTICE IN CHANCERY—*Continued.*

tings of a term, may be opened, vacated, or reformed, upon a bill filed before the close of the term, though not until after the close of *the sittings* of that term. *Nowland* vs. *Glenn*, 368.

57. The refusal of a defendant to answer, is not to be taken as an admission of the allegations of the bill which have not been answered; but this rule of chancery practice will not exempt a defendant from some degree of suspicion because of his declining to answer interrogatories to which he might easily have answered, and without subjecting him, so far as the court can see, to the slightest annoyance or inconvenience. *McDowell* vs. *Goldsmith*, 370.

58. Upon a bill to foreclose and sell mortgaged property, where the answer does not admit the claim stated, and insists upon other credits than those admitted by the bill, and where there would be difficulty in fixing upon the precise sum, by the payment of which, the defendant might prevent a sale, the case must be referred to the Auditor for a preliminary account before a final decree will be passed. *Wylie* vs. *McMakin*, 413.

59. The rule is well settled, that if a portion only of the mortgaged debt is due at the time of the decree, the mortgagor, or the party holding the equity of redemption can prevent a sale, by bringing into court the amount due with interest, and costs, and the decree will be allowed to stand, to enforce payment of the balance with interest as it becomes due. *Ib.*

60. In this case, *after* the decree for a sale, and appointing trustees for that purpose, had passed, creditors to a large amount came in, and, upon the ground of surprise, ask that the decree might be opened, and so far modified, as that a trustee named by them might be associated with the trustees already appointed. HELD—

That in the absence of any charge affecting the fitness of the trustees already appointed to discharge faithfully their trust, it would be establishing an inconvenient and embarrassing precedent to grant the application. *Thornburg* vs. *Macauley*, 425.

61. A surety in the bond of a trustee, appointed to make sale of certain lands for the purpose of partition, filed a bill, *quia timet*, in the equity side of Baltimore County Court, against the executors of the trustee, praying for an account and general relief. This bill was removed to this court, but the cause in which the trustee was appointed, was not removed, but still remained depending in Baltimore County Court. HELD—

That though it was very clear that this court may, upon the bill which has been brought here, administer the same relief which could have been administered by Baltimore County Court, yet it is equally clear that the account of the trust must be taken in the cause in which the trustee was appointed. *Whitridge* vs. *Durkee*, 442.

62. A bill of interpleader ought to be filed before or immediately after the commencement of proceedings at law, and should not be delayed un-