

PRACTICE IN CHANCERY.—*Continued.*

- exceptions having been filed to the sufficiency of the averments of the bill in this particular. *Ib.*
44. The bill, so far as it sought recovery for the note, was dismissed in May, 1851, but retained as to other matters; and in February, 1852, the cause was sent to the Auditor, for an account as to such other matters. HELD— That the Court cannot order an amendment, so as to present the question of the applicability of the note as assets. *Ib.*
 45. A supplemental bill, after a decree, must not seek to vary the principles of the decree, but, taking that as the basis, seek merely to supply any omissions there may be in it, or in the proceedings which led to it, so as to enable the Court to give full effect to its decision. *O'Hara vs. Shepherd*, 306.
 46. A supplemental bill may be filed as well after as before a decree; and if after, may be either in aid of the decree, that it may be carried into full execution, or that proper directions may be given upon some matter omitted in the original bill, or not put in issue by it or by the defence made to it. *Ib.*
 47. A supplemental bill, in the nature of a bill of review, cannot be filed without leave of the Court first obtained. *Ib.*
 48. Upon a bill by a guardian against the ward's estate, a decree for an account was passed. Afterwards, and after the former guardian had resigned his office, the new guardian filed a supplemental bill, asking for a further account for a certain sum belonging to the same estate, for which it charged the administrator was responsible. HELD— That this supplemental bill did not make a new case, nor seek to vary the principle of the decree, and was properly filed by the new guardian. *Ib.*
 49. Equity will relieve against a judgment at law, when its justice can be impeached by facts, or on grounds of which the party could not have availed himself at law, or was prevented from doing it by fraud, or accident, or the act of the opposite party, unmixed with any negligence or fraud on his own part. *Kent vs. Ricards*, 392.
 50. An answer which does not deny the averments in which the equity of the bill consists, but states "that respondent does not believe, and cannot admit that the said attorney made any such arrangement or contract as set forth in the bill," is not sufficient to dissolve an injunction. *Ib.*
 51. Where proof is taken, under an order of Court, and the notice was, that depositions would be taken on a certain day at a certain place, and they do not appear upon their face to have been taken at the place designated, they are not admissible in evidence. *Young vs. Mackall*, 398.
 52. The statute of limitations may be pleaded, as a defence, at any time after the claim has been filed; or brought before the Court, either before the case has gone to the Auditor, or after he has made a report on it. *Ib.*
 53. As a general rule, a special case must be shown before the Court will allow a defendant to amend his answer. *Williams vs. The Savage Manufacturing Co.*, 418.
 54. Amendments will be allowed where new matter has come to the knowledge of defendant since his answer was filed, or in case of surprise, or