

intimated his opinion, or declared his intention, the rights of the parties were unaffected by such declaration, it being competent to the Chancellor, in any subsequent stage of the cause, to change or abandon his opinion at his pleasure, or according to the dictates of his judgment upon further consideration.

The order, therefore, of the County Court of June, 1844, was no adjudication. It settled nothing, however plain the inference may be that in the opinion of the court at that time the complainant was entitled to a credit for the loss he may have sustained by the act complained of.

The purchase money of the land was fifteen hundred dollars, and the bill speaks only of payments amounting to eight hundred dollars, leaving of course seven hundred of the principal to be accounted for. The judgment against which the injunction was granted is for \$350, with interest from the 30th of March, 1832. How the difference was paid, if paid at all, does not appear, but the judgment is all that is now claimed, and I can see no reason why this should not be paid, unless some good objection exists which has not yet been considered.

It appears by a short copy of the judgment which was filed as an exhibit with the bill, that it was entered for the use of Eleanor B. Hatton, administratrix of Nathaniel Hatton, but she was not made a party, and the cause having been removed to this court, she, on the 20th of October, 1852, filed a petition in which, after alleging that the cause of action was absolutely assigned to her for a valuable consideration, she prayed to be allowed to become a party and prosecute the cause, notwithstanding the death of Peter D. Hatton, who departed this life after the proceedings had been transferred to this court, the petition alleging the death of Hatton intestate, and that no administration had been had upon his estate. No cause to the contrary having been shown, after notice to the complainant, an order passed on the 14th of February, 1853, allowing the petitioner to appear and become a party defendant, with liberty to the complainant to file an amended bill without prejudice to the injunction as he might be advised, and reserving all questions touching the regularity of the proceedings and the merits of the cause for further consideration.