over her separate estate but such as has been specially given to her, and in exercising the power of disposition she is restricted to the particular mode specified in the instrument under which she takes when the instrument undertakes to make such specification. By referring to the cases collected in the *Law Library, vol.* 65, *pages* 370, *et seq.*, this will be found to be the settled doctrine in this country upon the subject, and I am of opinion that it does not conflict, but is in harmony with the cases which have been decided by the Court of Appeals in this state.

The deed, in this particular case, appears to have been drawn up with much care, and prescribes in very precise terms the mode in which Mrs. Williams shall dispose of her separate estate, and I should much apprehend, that by passing the decree prayed for by this bill, I should defeat the object to accomplish which the deed was executed.

THOS. DONALDSON, for the Complainant.

Note by the Reporter.—The same question presented in this case has recently been decided by the Court of Appeals in the case of *Williamson et al* vs. *Miller and Mayhew*, at December term, 1853, (which has not yet been reported,) and the above views of the Chancellor are fully sustained in the opinion of the appellate court in that case, delivered by his honor *Chief Justice Le Grand.*

JOSEPH WHITE
vs.
JOHN WHITE AND OTHERS.

DECEMBER TERM, 1849.

[DEMURRER TO BILL—MULTIFARIOUSNESS.]

UPON a bill by a partner for an account of the partnership affairs, a party, not a partner in the firm, cannot be called to account in the capacity of a partner, and he may demur to the bill making him a party.

But if one of the partners has transferred his interest in the partnership to a third party, such party may be called upon to account for the affairs of the