

PARTNERSHIP, PARTNERS—*Continued.*

- tion in various contingencies in precise terms, and the partnership was in fact dissolved in exact conformity with the articles. *Ib.*
20. 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 for making him a party. *White vs. White*, 418.
 21. 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 firm in connection with the partners, and is a necessary party to a bill calling for a settlement of the partnership. *Ib.*
 22. The allegation that one of the partners "is about to receive, if he has not already done so, a large sum from J. W. and H. W. or one of them as a consideration for arresting proceedings against them, and for a transfer of all his interest in the partnership," is too uncertain to make it necessary that H. W. who was not a partner, and but for this alleged transfer had no interest in the litigation, should be required to answer. *Ib.*

PART PERFORMANCE.

See ANTENUPTIAL SETTLEMENT, 2.

PRACTICE.

See LAND OFFICE FOR PRACTICE THERE.

PRACTICE IN CHANCERY.

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1. Those who make the motion to have money brought into court, must show that they have an interest in the sum proposed to be called in, and that he who holds it in his possession, has no equitable right to it whatever, and the facts on which these positions are based must be found in the case as it then stands, either admitted or so established as to be open to no further controversy at any subsequent stage of the proceedings. *Hopkins vs. McElderry*, 23.
2. An answer exhibited accounts, showing a balance due complainant, which defendant says he was willing to settle, but the former refused to receive, and filed his bill, and the defendant believed, and still believes, that balance to be too large, and insists that he is now entitled to have certain sums credited with which he had not been credited in the accounts. *HELD—*
That these admissions were not sufficient to authorize an order to bring the balance into court *Ib.*
3. It must appear to the Chancellor that *all* the parties interested will be benefited by selling the property, before a decree for a sale can be passed under the Act of 1785, ch. 72, sec. 12. *Watson vs. Godwin*, 25.
4. The jurisdiction of the court cannot be sustained, unless the bill alleges that it will be for the interest and advantage of all parties interested that the land should be sold. *Ib.*
5. Making the infants complainants, does not dispense with the necessity of proof in support of the allegation that it will be for their interest to have the land sold. *Ib.*