

PRACTICE IN CHANCERY—*Continued.*

6. Neither the answer of the infant, nor the answer of adult defendants confessing the fact, is evidence to affect the infant. *Ib.*
7. A bill for a sale under this Act may, consistently with the practice of the court, be converted by amendment into a bill for a partition. *Ib.*
8. In the case of a subsisting partnership, the court will never, on motion, appoint a receiver unless it appears that the plaintiff will be entitled to a dissolution at the hearing. *Walker, adm'r of House, vs. House, 39.*
9. Where an injunction is granted to preserve the property of a partnership from waste, until the application for a receiver can be heard, its continuance must depend upon the fate of the latter application; if the receiver be refused, the injunction must be dissolved. *Ib.*
10. Where an order appointing a special Auditor required him, before acting, to take an oath for the faithful performance of the duties of his office, it must appear in his report that he did take the oath; otherwise, his proceedings are wholly irregular, and the accounts stated by him cannot furnish the foundation of a decree. *Ib.*
11. Mere inadequacy of price in a chancery sale, unless so gross and inordinate as to furnish, *per se*, evidence of fraud or misconduct on the part of the trustee, is not sufficient cause for setting the sale aside or refusing its ratification. *House vs. Walker et al, 62.*
12. If a creditor is pursuing two remedies when only one is open to him, chancery may, upon application, compel him to *elect*, but until this is done, his pursuit of both will not deprive him of either. *Gibson vs. Finley, 75.*
13. A writ of sequestration was laid in the hands of a party who denied that the money belonged to the party against whom the writ issued, and set up a deed from such party, conveying the *choses in action* to him in trust, and his proceedings in the Superior Court of Baltimore city for the administration of the trust. **HELD—**  
That under these circumstances, it would be wrong in this court to authorize the institution of proceedings at law or in equity to enforce the sequestration. *Keighler vs. Nicholson, 86.*
14. If the Superior Court had jurisdiction over the subject matter of the trust, however irregular the proceedings may have been, they cannot be regarded as *coram non judice* and void, nor can the irregularities be revised by this court. *Ib.*
15. The decision of a court of competent jurisdiction, when coming incidentally in question or offered as evidence of title in another court, is conclusive of the question decided, no matter how irregular or informal the proceedings may be, or what mistakes or errors the court may make in the matter adjudicated. *Ib.*
16. An order referring the cause to the Auditor, with directions to report the annual loss sustained by the plaintiff for the land claimed by him as embraced within the true location of his bond of conveyance and withheld by the defendant, is not a final adjudication that he is entitled to such land; it does not so settle the rights of the parties that an appeal would lie from it. *Smallwood vs. Hutton, 95.*