produce such paper or papers, book or books: and that the motion be heard during the next term.

Under this order, proofs were collected and returned. The hearing of this matter was, by consent, or from other causes, from time to time postponed. The defendant, *Thompson*, having prepared and sworn to a supplemental answer on the 21st February, 1823, moved for leave to introduce it at once into the case, without shewing why the matter, therein stated, had not been set forth in his original answer; but he was not allowed thus to file it. Afterwards, on the 31st of January, 1825, the defendant, *Thompson*, filed a petition, on oath, in which he stated, that he had, through inadvertence in one instance, and for want of a knowledge of some facts, in other respects, as to which he had since obtained full information, misstated several circumstances in his answer, all of which he prayed leave to correct by a supplemental answer. No order was passed on this application; but, soon after it was filed, the parties were heard on the order of the 14th of December, 1822.

12*th February*, 1825.—BLAND, *Chancellor*.—The arguments of counsel, on this petition, to obtain an order commanding *Hugh Thompson* to bring a certain sum of money into court, have been heard and duly weighed, and the proceedings in the cause have been attentively read and considered.

This practice of ordering money to be brought into court, is one of very late origin. Lord *Eldon* is reported to have said in 1803, "I remember when the practice was introduced of making a defendant pay in money, appearing, by his answer or examination, to be in his hands."(*a*) But it seems to have been attended with so many beneficial consequences, to have been so often resorted to, and so many of the cases have been reported, that the principles of the rule by which the court is now governed may be considered as fairly and fully developed. In the investigation of the principles applicable to this petition or motion, as indeed in relation to every other legal inquiry, we should particularly bear in mind, that it is the *reason* and *spirit* of cases make the law; not the *letter* of particular precedents.(*b*)

It is held to be a fundamental axiom, that the judgment of a court must be the conclusion of law arising from the facts presented

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(*a*) Mills *v.* Hanson, 8 Ves. 91; Gilb. For. Rom. 179.—(*b*) Fisher *v.* Prince, 3 Burr. 1364; Doe dem. Lancashire *v.* Lancashire, 5 T. R. 62.