

stayed if no bond be given.—*Bryson v. Petty*, 183.

No appeal lies from a judgment in the land office in a caveat case.—*Cunningham v. Browning*, 320.

The manner and course of appeal from the judge of the land office of the Eastern Shore to the chancellor.—*Willing v. Wright*, 321; *Hopper v. Coleston*, 322.

There is no saving in the act limiting appeals in favour of persons *non compos mentis*.—*Colegate D. Owings' case*, 408.

The cases in which an appeal was allowed, and the mode of prosecuting such appeals from the colonial courts to the king in council.—The Chancellor's case, 608, note.

The difference between the powers and jurisdiction of original and appellate courts considered.

ATTACHMENT.

A foreign attachment, or some equivalent process, has been introduced into all codes.—*Chase v. Manhardt*, 342.

The only object of an attachment is to enable a creditor to obtain satisfaction from property here belonging to his absent or absconding debtor, 344.

The garnishee may make defence for himself alone or for the defendant; but if he does either, or if he makes no defence and fails to bring the money into court he must pay interest, 344.

The plaintiff may have only a part of the attached debt condemned, 346.

ATTORNEY.

Money may upon the production of proper vouchers be paid out of court to the attorney in fact of the party.—*Hoye v. Penn*, 40.

AUDITOR.

The nature of an auditor's duties; he is a ministerial officer who cannot constitutionally be clothed with any of the judicial power of the chancellor.—*Dorsey v. Hammond*, 464, 469, 471.

The legal fees of the auditor are a part of the costs and may be recovered as such, 467.

Where some of the proofs have been objected to, such objections must be disposed of before the case can be sent by the court to the auditor with directions to state an account from the pleadings and proofs in the case.—*Strike's case*, 96.

The form of a commission to auditors to state an account and report.—*Clapham v. Thompson*, 124; *Dorsey v. Dulany*, 465.

Three persons appointed, after the act of 1785, ch. 72, as special auditors.—*Bryson v. Petty*, 182.

AWARD.

A case referred by consent to arbitration, an award returned, and a decree passed thereupon.—*McKim v. Thompson*, 175

By referring a case to arbitration the court divests itself of its judicial power.—*Dorsey v. Hammond*, 469.

There is no legislative enactment relative to the reference of suits depending in chancery to arbitration.—*Phillips v. Shipley*, 516.

The court may with the consent of parties refer the case to arbitration and enforce the award, 517.

An award may be set aside on good cause shown, 517.

A party cannot revoke a reference without the sanction of the court, 517.

BILL.

The nature of a supplemental bill.—*Burch v. Scott*, 121.

A plaintiff can only recover on the strength of his own title as shewn by his bill, which as to that can be sustained by no extraneous matter; but to explain an ambiguity, resort may be had to the interrogating part or to the prayers—*Lingan v. Henderson*, 249—255.

The special prayer for relief must be such as the case set out in bill will warrant and the law authorize, if legal and not covered by the bill it must be amended, 250.

Under the general prayer, any relief warranted by the case as set forth in the bill may be granted, though not orally asked for, 251.

The plaintiff may by his bill state his case in the alternative, so that each be a case of equity jurisdiction; and so that he thereby evades no rule for the protection of suitors, 252.

Although the bill be informal, yet, if not objected to, it is enough if it be shewn at the hearing to be substantially sufficient, 271.

Where the plaintiff by his bill offers to perform his part of the contract, and the answer admits or sets out an agreement which is proved, there may be a decree against each without a cross bill.—*Dorsey v. Campbell*, 359; *Watkins v. Watkins*, 359; *Long v. Gorsuch*, 361; *Etchison v. Dorsey*, 536.

The case, as stated in the bill, must appear at the hearing to be of such a character as belongs to the jurisdiction of a court of chancery.—*Estep v. Watkins*, 489; *Iglehart v. Armiger*, 528.

Although on a bill for specific performance there may be a decree as well in favour of the defendant as of the plaintiff, yet if the parties suffer it to be passed in favour of the plaintiff alone, the defendant can only be relieved by a cross bill.—*Etchison v. Dorsey*, 536.