

- An order to give notice of a motion to dissolve an injunction at the then next term.—*Jones v. Magill*, 180.
- An order appointing a receiver.—*Hannah K. Chase's case*, 214; *Williamson v. Wilson*, 423.
- An order to take testimony respecting claims in a creditor's suit, 434.
- An order calling on the administrator of a receiver to account, 438.
- An order overruling pleas and requiring an answer by a given day.—*Moreton v. Harrison*, 496.

## PARTITION.

- The mode of making partition of an intestate's estate under the act to direct descents.—*Hughes' case*, 46.
- Where the parties take by purchase, partition may be made by the common law in chancery, although some of them be infants.—*Corse v. Polk*, 233; *Wells v. Roloson*, 456.
- In such case a sale may be made of the land if necessary, 233, 456.
- The commissioners may award to each his part, or if not, it may be done by lot by the court, 233.
- A sum of money awarded by way of equality of partition, may be declared to be a lien upon the share of him directed to pay, 234.
- A testamentary direction, that the chancellor shall appoint persons to make a partition cannot give jurisdiction in any way, much less authorize an *ex parte* proceeding.—*Howard's case*, 367.
- The parties should each recommend persons to be appointed commissioners to make partition, 368.
- The costs are borne equally or in proportion to the respective shares of each.—*Hughes' case*, 50.
- On a sale to effect a division of a real estate, no one of the distributees or his assignee can take any thing until he has satisfied all that is due from him to the others.—*Mullikin v. Mullikin*, 542.

## PARTNERSHIP.

- A partner can only be admitted as a creditor against the estate of a deceased partner for his share of the surplus, after all the concerns of the partnership have been fully settled.—*Ringgold v. Jones*, 139.
- At the instance of a partner alleging that the firm is insolvent, and that his copartners are wasting the effects, a receiver may be appointed.—*Williamson v. Wilson*, 423.
- A partnership for a limited time may be dissolved before the expiration of the time by death or insolvency, 424.

## PARTIES.

- A decree affecting the rights of one not a party is, as to him, fraudulent, and he may be relieved by original bill.—*Burch v. Scott*, 120.

Where the property of several defendants has been sold under a decree to satisfy a debt, leaving a surplus, any one of them may obtain an order directing a distribution of such surplus among them.—*Hoye v. Penn.*, 38.

- The want of proper parties may be taken advantage of by demurrer, by plea, or at the hearing.—*R. Owings' case*, 292.
- Persons having no interest in the matter may be permitted to come in as co-plaintiffs with a person who is in fact *non compos mentis*, in order to take care of his interests, 293—295.
- No part of the personal estate of a deceased debtor can be applied in payment of his debts without making his executor or administrator a party to the suit.—*Jones v. Jones*, 460.

## PETITION.

- Where a matter can only be brought before the court by petition, if the matters therein set forth be not denied on oath, they must be taken to be true.—*H. K. Chase's case*, 212.

## PLEAS AND PLEADING.

- If a defendant pleads and answers to the same matter, his answer overrules his plea—and the same principle holds in case of demurring and answering, or demurring and pleading to the same part.—*Hannah K. Chase's case*, 217.
- A plea of the statute of limitation to a bill to recover the purchase money of land.—*Lingan v. Henderson*, 246.
- There may be a plea of limitations to some one or more separate and distinct parts of the plaintiff's several causes of suit, 278.
- More precision required in a plea than a bill—a plea must be certain, exactly applicable to the case, and tender a material issue, 230.
- A plea of the statute of limitations of three years does not apply to a vendor's lien: therefore as against such a lien it must be rejected, 280; *Moreton v. Harrison*, 500.
- Where the bill states facts which if true would take the case out of the statute of limitations, a plea of the statute must be sustained by an answer denying such facts, 282, 493.
- A defendant may in equity as well as at law plead several distinct pleas.—*Moreton v. Harrison*, 493; *Ridgely v. Warfield*, 494.
- Duplicity in one and the same plea is a vice in pleading in equity as well as at law.—*Moreton v. Harrison*, 496.
- Pleadings in equity are not so strict as at law; yet in equity they must be substantially sufficient.—*Lingan v. Henderson*, 280.
- The case as set forth must be of equitable cognizance as contradistinguished from that of common law, or a demurrer will lie or the bill may be dismissed at the hearing, 255.