

If any of the essential component facts of the case be not proved, or be disproved, the bill must be dismissed, 255.

If the cause of suit as stated did not exist when the bill was filed, or has been extinguished or barred, the bill must be dismissed, 255.

Where there are a plurality of defendants, and the subject in controversy is divisible, there may be a decree against all for a part, or if they are disjunctively or separately liable there may be a decree against each, 256.

If the defence of any one defendant goes to the whole of one and the same cause of suit, the bill must be dismissed, although as against some others it might have been taken *pro confesso*, 255, 266.

A defendant who can be in no way held liable cannot be allowed to put in a defence against the whole or any part of the case, 276.

PRACTICE.

A party may by petition object to the sufficiency of an appeal bond, and be allowed to take testimony and have the obligors called on to shew cause.—*Ringgold's case*, 5.

The principles and practice of this court derived from that of England, 18.

Upon a defendant's being returned summoned he may appear and demur, plead or answer.—*Cowell v. Sebrey*, 18.

A defendant failing to appear, demur, plead, or answer, after having been summoned, may be attached, 18.

All sheriffs to attend and make return of process, 18.

Where process is prayed against several defendants they must all answer or the case be in a situation to have the bill taken *pro confesso*, before there can be any decree.—*Hoye v. Penn.*, 33, 34.

Where two or more sue as joint creditors, the proportion due to each may be adjusted after the sale has been made and the proceeds brought in, 37.

The surplus of the proceeds of sale may be awarded to the representatives of the debtor in proportion to their respective interests, 39.

Money ordered to be paid to the attorney in fact or solicitor of the party, 40.

The trustee under the decree has the control of the suit on the bond against the purchaser, 41.

If a purchaser has no design to baffle the court and is unable to comply, he may be discharged on payment of costs.—*Deaver v. Reynolds*, 50.

A trustee under a decree may be ordered to invest money, and on failing to do so or to bring it into court, may be charged with compound interest.—*Latimer v. Hanson*, 53.

Cases brought here from a county court must be followed out as if they had

originated here without revising or reversing any previous order or decree.—*Strike's case*, 67.

Further directions are those orders given for the purpose of following out the equity established in substance by the decree, 69.

In a creditors suit if a claim be strongly litigated and of difficult investigation, an issue may be sent out to be tried by a jury.—*Ringgold v. Jones*, 89.

An order to produce books, &c. can only be obtained by a party interested in such as he particularly specifies, against a party to the suit, 90.

A plaintiff cannot be allowed to split up his claim and bring a separate suit on each part, or to introduce any addition to it after a decree for a sale.—*Strike's case*, 95.

There is no publication of depositions— all objections to them are open, and may be taken at the hearing, 96.

Where it is desired, that the auditor should state an account from the proofs some of which are objected to, such objection must be first disposed of, 96.

Contracts between a solicitor and suitor for professional services cannot be introduced into or blended with the cause of suit, 98.

A form of an order *nisi* to have the bill taken *pro confesso*.—*Burch v. Scott*, 114.

Orders and decrees may be altered or rescinded during the term; after that only by original bill or bill of review, 120.

The filing of a bill of review or an original bill to set aside a decree does not of itself suspend its execution, 125.

A bill of review for newly discovered matter filed without leave may be dismissed on motion.—*Carroll v. Parvan*, 125.

A defendant may, on motion, obtain further time to answer, 125.

After the lapse of the time allowed by an order of publication against an absent defendant, he must appear and also answer, or the bill may be taken *pro confesso*.—*Clapham v. Clapham*, 126.

During the term an interlocutory decree may be set aside on appearance without answer under the general powers of the court.—*Hepburn v. Mollison*, 127.

A decree by default for more than is due may after the term, if the plaintiff has lost no testimony, be set aside to let in a defence upon the merits.—*Burch v. Scott*, 129.

Where a suit has abated by death, to be so entered, and not brought forward on the docket.—*Hall v. Hall*, 132.

A female defendant having married, her husband may be made a party, and an attachment issued against both to enforce an answer.—*Taylor v. Gordon*, 132.

A *subpœna ad respondendum* may be served by the sheriff or by any person; but if by any but a legal officer the ser-