

- vice must be proved.—*Hoye v. Penn*, 29; *Taylor v. Gordon*, 132.
- It is enough if an affidavit to an answer be as positive as would sustain a prosecution for perjury.—*Coale v. Chase*, 137.
- The origin, powers and duties of trustees appointed by the court to sell property.—*Gibson's case*, 139.
- Notice of an order nisi for the ratification of a sale under a decree directed to be given by advertising in a newspaper, and also by setting up at the courthouse door.—*Ex parte Margaret Black*, 142.
- When a case is set for hearing on bill and answer, all the facts stated in the answer, as well those in avoidance as those responsive, must be taken to be true.—*Estep v. Watkins*, 488.
- The plaintiff may set the case down for hearing on bill and answer, because he thereby admits every fact contained in the answer to be true.—*Paul v. Nixon*, 201.
- Where a matter can only be brought before the court by petition, if the facts therein set forth be not denied on oath they must be taken to be true.—*H. K. Chase's case*, 212.
- 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, 217.
- An answer sworn to before a justice of the peace in the District of Columbia, who was certified to be such at the time, received.—*Lingan v. Henderson*, 240.
- A certificate of the printer that an order of publication was published as directed deemed sufficient, 240.
- An order that a commission issue unless by a day the opposite party name and strike, 240.
- It must be shewn by the bill, that the defendant is a nonresident, or that the case is such as to authorize an order of publication instead of a *subpœna*, 245.
- An order of publication, as the substitute of a *subpœna*, is passed as of course, and is taken at the peril of the plaintiff, 245.
- An order of publication must go against the wife as well as the husband, or she will not be bound, 246.
- A defendant cannot object before the commissioners that the evidence is not such as is required by the statute of frauds, 248.
- An auditor's report confirmed directing an application of the proceeds with a proportion of interest.—*Wells v. Roloson*, 456.
- Money brought in and deposited in bank as usual cannot be drawn out but by a special order, 457.
- A commission to audit accounts may go to any place most convenient to the parties.—*Dorsey v. Hammond*, 465.
- After a claim has been submitted and rejected, the order will not be rescinded to let in new proof upon any ground which would not warrant a bill of review or a rehearing, 473.
- Notice of the hearing of contested claims in a creditors suit may be given by publication.—*Spurrier v. Spurrier*, 476.
- Proof of the publication of an order for creditors to come in, of an order of ratification nisi, &c. may be made by the printer's certificate, or by the production of the newspapers, 475.
- Where the chancellor doubts the fact or the testimony is obscure, an issue may be sent out to be tried.—*Fornhill v. Murray*, 485.
- The act of 1820, ch. 161, does not apply to abatements after a decree; such cases may be revived by *subpœna scire facias*.—*Allen v. Burke*, 544.
- After the return of a *subpœna scire facias*, the case may on motion be ordered to stand revived, 546.
- The act of 1820, ch. 161, gave a new mode of proceeding only in those cases where a proper bill of reviver will lie.—*Griffith v. Bronaugh*, 547.
- The mode of taking the answer of an adult or infant defendant.—*Snowden v. Snowden*, 550.
- The mode of proceeding by publication against a nonresident infant defendant.—*Burd v. Greenleaf*, 556.
- The origin, nature, and extent of the rule which may be laid calling on the plaintiff to give security for costs.—*Mayer v. Tyson*, 561.
- The sufficiency of an injunction bond may be objected to, and further time allowed to put in good security.—*Billingslea v. Gilbert*, 566.
- The form of a commission to make partition of lands under the act to direct descents.—*Hughes' case*, 47.
- The sheriff to execute a summons for witnesses to appear before commissioners to take testimony.—*Bryson v. Petty*, 182.
- The form of a *subpœna scire facias* to revive.—*Allen v. Burke*, 546.

PRINCIPAL AND INCIDENT.

A gift, assignment, or bequest of the principal, carries with it all its beneficial incidents.—*Iglehart v. Armiger*, 524.

PRINCIPAL AND SURETY.

Mere delay without fraud or collusion cannot affect the rights of a creditor against either principal or surety.—*Hoye v. Penn*, 30.

Where two or more are equally or jointly liable either as principals, or as sureties, the property of each may be directed to be sold in the first instance, so as to cause the burthen to bear upon each in due proportion, 32.

In ordinary money bonds there being no distinction between principal and surety, and being alike bound, a case can rarely occur in which the one who is in fact surety may be discharged because of the laches of the obligee.—*Hoffman v. Johnson*, 105.