

of a certain amount due, duplicate writs of *ne exeat* were ordered to several counties, in one or other of which the defendants were expected to be found.—*Sloss v. McIlvane*, 72.

OPINION.

An opinion asked by a Provincial Chancellor of some of the judges of the courts of Westminster.—*Burchfield v. Miller*, 59.

The Chancellor may ask the opinion of the judges on any question of law.—*Chamberlain v. Brown*, 221.

PARTITION.

A partition of personal estate can be ordered only by a Court of Chancery; and if necessary, a sale may be ordered.—*Crapster v. Griffith*, 25.

On a partition decreed to be made among devisees, the parties ordered to pay costs in proportion.—*Winder v. Diffeffer*, 179, 180.

A part of the property being incapable of partition, ordered to be sold, and the proceeds divided among the devisees, 180.

A trustee who had held the estate ordered to account for its rents and profits, 179.

Real estate devised to be sold and the proceeds divided, on petition *ex parte*, a trustee appointed for that purpose.—*Ex parte Boone*, 321.

Bonds taken by the trustee who made the sale, ordered to be assigned to the parties entitled, 321.

A devise of the rents and profits of land for the maintenance of several infants, not susceptible of partition.—*Tilly v. Tilly*, 438.

Specific performance of an agreement for partition decreed.—*Norwood v. Norwood*, 476, 483, 485.

PARTIES.

No one is a party to the suit against whom no process is prayed.—*Binney's case*, 106.

A misnomer may be waived, but if relied on it is fatal, 107.

Where the legal capacities of parties as charged are different, such capacities must be considered as if they were different persons, 108.—*Tilly v. Tilly*, 445.

A corporation can only be called on to answer by its proper name.—*Binney's case*, 106.

A creditor's suit making the heir at common law a party, with a publication against the other heirs.—*Kilty v. Brown*, 223.

To a creditor's suit by a surety his principal was not made a party.—*Arthur v. The Attorney General*, 246.

It is sufficient that the husband alone be made a party, to shew that he has obtained satisfaction of the *chose in action* of his wife.—*Contee v. Dawson*, 281.

Who may or must be made parties to a creditor's suit.—*Hammond v. Hammond*, 347, 349.

The creditors of the ancestor of a deceased debtor may come in under a creditor's suit, without making the executor or administrator of such deceased ancestor parties.—*Hindman v. Clayton*, 341.

Where the debt is joint and several, all the debtors must be made parties.—*Watkins v. Worthington*, 522.

The general rule, that all persons interested must be made parties, is made to yield where necessary either as to plaintiffs or defendants, 524.

All questions as to parties must be finally adjusted before there can be a decree to account.—*Helms v. Franciscus*, 559.

All persons having an interest in the object of the suit should be made parties.—*Worthington v. Lee*, 680.

A mortgagor who has not been legally divested of his whole interest, must be made a party, 682.

A mortgagor who has an interest in stating the account, or from whom any discovery may be drawn, may be made a party, 683.

It is not necessary to make the personal representatives of the mortgagor a party to a bill to foreclose or sell; but upon the death of the mortgagee it is necessary to make both his heirs and personal representatives parties, 684.

PATENT.

A patent vacated on the ground of fraud.—*Seward v. Hicks*, 261.

A patent cancelled by tearing off the seal in open court, and sending a certificate thereof to the other courts where it had been recorded, 262.

Where the relator, or he under whom he claims had notice, and yet made no opposition, the patent will not be vacated.—*The Attorney General v. Biggs*, 262.

PLEA.

An answer as to the same facts over-rides the plea.—*The Bank v. Dugan*, 257.

PORT.

What constitutes a port, its nature, &c.—*Binney's case*, 156, 157.

Canal and sea vessels should meet in a port, 162, 165.

PRACTICE.

Where one of the defendants answers and disclaims, the bill may be at once dismissed as to him with costs.—*Kipp v. Hanna*, 28.

A *feme covert* on failing to answer may be attached, 28.