

containing no such stipulation as the one referred to in said answer, a fact well known to the said defendants.

11th July, 1831.—BLAND, *Chancellor*.—*Ordered*, that the foregoing exceptions stand for hearing on the 22d day of the present month; *Provided*, that a copy of this order, together with a copy of the said exceptions, be served on the said defendants or their solicitor on or before the 15th instant.

Copies having been served as required by this order, the case was again brought before the court.

3d August, 1831.—BLAND, *Chancellor*.—The exceptions to the answer standing ready for hearing, the solicitors of the parties were fully heard and the proceedings read and considered.

This is properly a bill of discovery, and nothing more; and therefore the case must finally terminate here with the answer; it can go no further; there can be no hearing upon the merits as where relief as well as discovery is asked for. (a) This court having no criminal jurisdiction itself, meddles with no cases of that description which may be brought before any other tribunal; and therefore a plaintiff here can only obtain a disclosure of facts by a bill of discovery in relation to a civil case; either to enable him to commence his action aright, or to prosecute it with effect. If upon the face of the bill, it appears that there can be no remedy, the plaintiff here cannot have a discovery, which in such case would be useless and altogether impertinent; nor can a bill of discovery be sustained against any one not interested in the matter in dispute, who may be examined as a witness; and consequently, the plaintiff must by his bill point out the individual who he has already sued, or against whom he means to bring his action; and also so state the nature of his case as to enable the court to judge of the alleged liability of the person designated as a defendant. (b)

This plaintiff states that he is seeking the relief he claims by an action now depending in a court of common law; and although he has by very brief and general expressions stated the nature of his case; yet its character and object are sufficiently shewn to enable this court to judge of the bearing of the liability, and to see that if his claim has any foundation whatever, in point of fact, the

(a) *Hindman v. Taylor*, 2 Bro. C. C. 8; *Shaftsbury v. Arrowsmith*, 4 Ves. 71.—

(b) *Rondeau v. Wyatt*, 3 Bro. C. C. 155; *The Mayor of London v. Levy*, 8 Ves. 404; *Cartwright v. Hateley*, 1 Ves., junior, 292.