

allowed, where the right to a deposit, or the stock of a company, was made the subject of controversy in any suit, to order the company to transfer or hold its stock, and to pay or hold dividends or deposits, as the justice of the case might require, by serving upon them a copy of such order without making them parties to the suit. These few alterations in the course of the procedure of this court, would save to all parties, in such cases, a deal of time, trouble, and expense, which is now unnecessarily wasted. (n)

When I consider that this is the first application of its kind; that there has been heretofore no regularly settled practice in this court in relation to bodies politic; and that it has a large, and almost unlimited control over its own rules of practice, (o) I feel tempted at once to make those evidently useful alterations as to the course of proceeding against corporations. But when, on the other hand, I recollect that it has been always considered as an established principle, that this court is confined, in all material particulars, to those forms of proceeding which have been settled by the Court of Chancery of England, from which it has deduced all its modes of acting; (p) and also, that this conformity to the ancient English course of proceeding, has been, in various ways, recognized and affirmed by legislative enactments, (q) I have become satisfied that it is safest and best to leave the matter to the General Assembly, who alone are competent to alter and shorten the process in Chancery, permanently and effectually. I shall, therefore, hold myself bound to adopt and apply the ancient and known writs and process of the English Court of Chancery, so far as they have not been altered or affected by the principles of our government; or the positive provisions of our laws, in the best manner that the nature and circumstances of the case will permit.

It is said, in one of the very respectable treatises on equity pleading, that 'in the case of a corporation aggregate, where the answer is under the common seal, the bill must pray, that a writ called a writ of *distringas*, may issue under the great seal, which is for the purpose of distraining them by their goods and chattels, rents and profits, until they obey the summons or direction of the court.' (r) What is here said, however, as to the prayer of the bill, is cer-

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(n) Some alterations have been since made by the acts of 1832, ch. 306, and 1834, ch. 89.—(o) *Dicas v. Lord Brougham*, 25 Com. Law Rep. 382.—(p) *Digges' Lessee v. Beale*, 1 H. & McH. 71; *Ringgold's case*, 1 Bland, 18.—(q) 1785, ch. 72, s. 25 and 26; *Collyer on Partn.* 412.—(r) *Coop. Pl. Eq.* 16.