

- be prosecuted for perjury, 137; Gibson v. Tilton, 355.
- The answer of one defendant cannot be read in evidence for or against another; except in some particular cases. McKim v. Thompson, 160; Jones v. Magill, 198; Lingan v. Henderson, 267; Chase v. Manhardt, 336.
- A wife cannot be a witness for or against her husband, therefore her answer can in no case affect him.—Lingan v. Henderson, 269.
- It is only under very special circumstances, that a defendant can be allowed to make any alteration in his answer.—McKim v. Thompson, 162.
- An answer sworn to before a justice of the peace, in another State, or in the District of Columbia, who is certified to be a justice of the peace at the time, is received as sufficient.—Chapline v. Beatty, 197; Lingan v. Henderson, 240; Gibson v. Tilton, 352.
- One defendant cannot directly compel his co-defendant to answer, but he may, by a rule further proceedings, urge forward the plaintiff to extract an answer from him.—Jones v. Magill, 198.
- If a defendant pleads and answers to the same matter, his answer overrules his plea.—Hannah K. Chase's case, 217.
- If a defendant, in argument, relies upon the answer of his co-defendant he thereby makes it evidence against himself.—Chase v. Manhardt, 336.
- When the case is set down for hearing on the bill and answer alone, all the facts set forth in the answer must be taken to be true.—Estep v. Watkins, 488.
- The mode of taking the answer of an adult, or an infant defendant in England and in this State.—Snowden v. Snowden, 550.
- Exceptions to an answer being sustained, the defendant was ordered to answer by a certain day, or the bill to be taken *pro confesso*.—Mayer v. Tyson, 560.
- An insufficient answer being as no answer, the bill may be taken *pro confesso* as against the defendant, and the plaintiff be allowed to proceed with his case, 560.
- The answer of a defendant may, by consent, be received without oath.—Billingslea v. Gilbert, 567.
- A defendant, who, in his answer, insists upon the statute of frauds, must nevertheless answer fully.—Ogden v. Ogden, 238.
- If a defendant says nothing about the statute of frauds, he must be taken to have renounced the benefit of it, 238.

APPEAL.

- It is a constitutional right of the citizen to have his case at law, or in equity reviewed by a court of error.—Ringgold's case, 7—12.
- A writ of error was, at common law, demandable of right in all civil cases; and the proceedings in the court below were stayed by a writ of superseades, 7.
- The range of a writ of error limited to certain errors in fact, or to errors in law apparent upon the record: and could be brought only upon a final judgment, not rendered by default, or by consent, or where the matter rested in the mere discretion of the court, 8.
- Regulations to prevent the abuse of the right of appeal at common law, 9.
- The right of appeal in equity is limited to final decrees or to orders involving the merits; it does not extend to such orders as are merely interlocutory or to decrees by consent or default, 12; *Slye v. Llewellen*, 18; McKim v. Thompson, 270.
- On an appeal from chancery no new or different point can be made in the court of appeals.—Ringgold's case, 14, 21.
- The staying of proceedings in equity on an appeal is a matter regulated in a great degree by, and is very much within the discretion of the court of chancery, 15.
- No appeal allowed in the inferior federal courts but from a final decree, 16.
- The right of appeal expressly given, and confined to decretal orders, that is, to such orders only from which an appeal formerly lay, 17; McKim v. Thompson, 270.
- The penalty of the appeal bond to be in double the sum decreed to be paid, or the value of the perishable subject in controversy. How adjusted when the value is uncertain, 23; McKim v. Thompson, 272.
- The appeal bond approved by, not acknowledged before the chancellor; but if it does not cover the amount and conform to the decree or order, it is no superseades.—Ringgold's case, 24.
- An appeal bond may be approved either on the chancellor's own knowledge of the sufficiency of the obligors, or on the certificate to that effect of a judge, a justice of the peace, or a solicitor, 25.
- A defendant against whom the bill had been taken *pro confesso* not allowed to come in for the purpose of taking an appeal.—Hoye v. Penn, 35.
- Where no appeal would lie the legislature refused to pass a special law authorizing an appeal.—McKim v. Thompson, 169.
- It was said by the Senate to have been admitted on all hands, that there could be no appeal from an interlocutory order directing a defendant to bring money into court, 169.
- Held by the chancellor, that an appeal would not lie from an interlocutory order to bring money into court, 172.
- The execution of a decree will not be