

- The bill amended so as to state that a defendant had attained his full age, in order that he might be compelled to answer as an adult, 29.
- On petition, a *subpena* may be issued against one charged in the bill as an absent defendant, who had returned to this state, 29.
- A case cannot be set for hearing on the return of depositions taken by consent of only a part of the defendants, 30.
- After the day allowed by an order of publication, which had been published for an absent defendant to come in, and on a general replication to the answers of the other defendants, a commission to take evidence may be issued, 31.
- An interlocutory decree by default against infant as well as adult defendants.—*Townshend v. Duncan*, 47.
- A decree by default against a defendant, who, on being summoned under an order of revivor, had failed to appear, 47.
- Rules concerning the examination of witnesses before the examiner; and the time of publication of depositions under the provincial government, 61, note.
- Exceptions to an answer heard and sustained by the Chancellor.—*Parker v. Mackall*, 63.
- An exceptant ordered to pay a fine for the delay on over-ruling his exceptions to the auditor's report.—*Woodward v. Chapman*, 71.
- Rule as to the time of filing exceptions to an auditor's report, 74, note.
- Exceptions to an answer for scandal, impertinence, and insufficiency; the scandal and impertinence expunged, and a better answer filed.—*Cheseldine v. Gordon*, 80.
- No one is a defendant to the suit against whom no process is prayed.—*Binney's case*, 106.
- A misnomer may be waived, but if relied on is fatal, 107.
- The hearing cannot be postponed to let in a release to make a witness competent, or to remove any objection to a witness of which the party was notified at the examination.—*Winder v. Diefenderffer*, 192.
- A cross examination no waiver of any objection to a witness, 193.
- A decree cannot be opened and the case re-heard but upon good cause shewn.—*Meluy v. Cooper*, 200.
- In a creditor's suit the case may be submitted to obtain a decree for sale without having been set for hearing.—*Campbell's case*, 220; *Hammond v. Hammond*, 359.
- The parol does not demur in a creditor's suit by reason of the infancy of a defendant.—*Campbell's case*, 224; *Hammond v. Hammond*, 330, 344, 351; *Watkins v. Worthington*, 519.
- Several suits, the objects of which are the same, may be consolidated.—*Campbell's case*, 241; *Deakins' case*, 398.
- Where a publication had passed against an absent defendant who was one of a plurality of heirs or devisees, it was decreed, that the plaintiff might take out a commission to prove his case subject to a future decree.—*Craig v. Baker*, 240.
- A sale by a trustee may be at once ratified with the consent of the parties.—*Andrews v. Scotton*, 644; *Arthur v. The Attorney General*, 246.
- A party may, as of course, withdraw any document which he himself has voluntarily put upon file, for the purpose of having it authenticated.—*Maccubbin v. Matthews*, 251.
- A commission to take evidence should be executed within a reasonable distance of the residence of the witness, 253.
- The sufficiency of a trustee's bond certified by a solicitor.—*McMullin v. Burris*, 358.
- On a return *cepi* to an attachment the sheriff may be ordered to bring in the body.—*Binney's case*, 101; *Deakins' case*, 406.
- The course of proceeding against a defendant whose answer, on exceptions, has been held insufficient; or who has contumaciously neglected to answer; or who has, on demurrer or plea, failed to protect himself from answering, as the bill requires.—*Buckingham v. Peddicord*, 447.
- The acts of assembly in relation to proceedings against non-resident, absconding, or contumacious defendants, considered, 447.
- In all such cases the bill may be taken *pro confesso*, or testimony taken, upon which the court pronounces the decree; and if it has no jurisdiction, must dismiss the bill, 447.
- How discovery may be had when the bill may be taken *pro confesso*, 447.
- An insufficient answer is as no answer; and therefore, upon such default, the bill may be taken *pro confesso* and a final decree passed, 447.
- A day may be appointed for deciding on an auditor's report.—*Norwood v. Norwood*, 478.
- Exceptions to an auditor's report which are indefinite must be rejected, 481, 482.
- No new exceptions can be taken to an auditor's report after those taken have been adjudicated upon, 482.
- Where it becomes necessary to have the plaintiff's *prochein ami* examined as a witness, he may be discharged, and another appointed in his place.—*Helms v. Francisus*, 550.
- All questions as to parties must be finally