

A surety in a common money bond may come into equity to compel his principal to pay or relieve him from his liability; but not in the case of a bond of indemnity, 105.

The liability of one who stands as surety on negotiable paper, is regulated by peculiar commercial law, 105.

In case of a bond for the performance of services, if there be any undue laches, the surety will be discharged, 106.

Where a creditor receives a chose in action for the purpose of obtaining payment from it, he is bound to use due diligence for that purpose; and on failing to be ready to reassign, 106; *Dorsey v. Campbell*, 357.

A trustee under a decree and his surety called on to pay or shew cause.—*Mullikin v. Mullikin*, 529.

A purchaser under a decree and his surety called on to pay or shew cause, 541.

PRODUCING BOOKS.

An order to produce books, &c. can only be obtained by a party interested in such as he particularly describes.—*Ringgold v. Jones*, 90.

The application must be made on oath according to the act of 1798, ch. 84, to produce books, &c.—*Williams v. Hall*, 196.

Although the books be held under the direction of a trustee who objects, they must be produced, 196.

PUBLICATION.

After an order of publication against an absent defendant, he must appear and also answer, or the bill may be taken *pro confesso*.—*Clapham v. Clapham*, 126.

An order of publication is the substitute for a *subpœna*; hence it must appear by the bill, that the case is such as to authorize such order.—*Lingan v. Henderson*, 245.

The wife as well as the husband must be warned by such order, or she will not be bound, 246.

If the case be in fact such as does not allow of such an order, the decree will be void; hence the party takes the order as of course at his peril, 246; *Snowden v. Snowden*, 558.

As to publication against absent infant defendants.—*Burd v. Greenleaf*, 556.

PUBLIC RECORDS.

An affidavit to an answer to a bill in chancery of this State, or the like, is an authentication called for by the judicial power here, and as such is parcel of the records of this State, and not within the act of congress providing for the authentication of records, &c. of other States. *Gibson v. Tilton*, 353.

Such authentications and the executions of commissions to take evidence allowed and executed by the comity of all nations, and to be encouraged as between the States of this Union, 354.

Although a person cannot be punished here for a false oath taken abroad; yet if such authentication be spurious a party who introduces it may be punished for such an imposition upon the court, 355.

RECEIVER.

The appointment of a receiver does not involve a decision upon any right—it can only be made at the instance of a party who has an acknowledged interest or a strong presumption of title in himself alone or in common with others; and where the property itself or its rents and profits are in danger of being materially injured or totally lost.—*H.K. Chase's case*, 213; *Williamson v. Wilson*, 422.

Where lands are charged with the payment of an annual sum, a receiver may be put upon it as a means of enforcing payment.—*Rebecca Owings' case*, 297.

The power to appoint a receiver is now as well established and of as great utility as any which belongs to the court.—*Williamson v. Wilson*, 420.

A receiver may be clothed with authority to take and hold property, to collect debts, &c. so as to meet the exigency of the case, 421.

He is an officer of the court—his appointment alters no right, not even so as to prevent the running of the statute of limitations, 421.

The appointment of a receiver is as little open to abuse as any other judicial proceeding, 422.

A receiver may be appointed before answer at the instance of a partner alleging that the firm is insolvent, and that his co-partners are wasting the effects, 422.

The appointment does not of itself divest any one of possession; the possessor may shew cause against a delivery, 424.

A proper person is selected on the recommendation of the parties and on consideration of all circumstances, 427.

A receiver may be compensated by a commission, and allowed for all expenses incurred in the defence and preservation of the property on vouchers being produced, 433.

He is bound so to keep the property as that it may be easily traced, delivered up, or accounted for, 436.

He may be proceeded against in a summary way, or his bond sued on here by *scire facias*, or at law by action, 436.

On the death of a receiver his personal representatives may be proceeded against summarily to enforce payment or delivery, 437.

On a final and full account a receiver or his representatives may be discharged and his bond cancelled, 439.

RELIGION.

A devise to a religious society without the leave of the legislature is void.—*Murphy v. Dallam*, 529.