

co-plaintiffs, and amended that part of the prayer of the bill which asked that the plaintiffs might be directed to "surrender and deliver up possession of the mortgaged premises" to one of the then plaintiffs; so that in the amended bill it ran thus—that the defendants might "be directed to surrender and to convey or assign for the residue of the term therein created as aforesaid, and deliver up possession of the mortgaged premises to" all the plaintiffs to the amended bill: *Held*, that this amendment was not so unconnected with the order to amend as to render a motion to expunge the same proper.—*Chisholm v. Sheldon*, 294.

14. When a cause stands over with leave to amend by adding parties, the plaintiff has no right to introduce any amendment, though immaterial, that is unconnected with such leave.—*Id.*

15. An amendment of a bill by adding parties, requiring no answer from the defendant, is a waiver of process of contempt for want of answer; and in such a case the court will, on an *ex parte* motion, order the defendant's discharge.—*Thrasher v. Connolly*, 422.

16. Where the plaintiff's solicitor absconded before the time to amend the bill as of course had expired, and his departure was not known to the plaintiff till afterwards, and due diligence appeared to have been used by the plaintiff to proceed with the cause after becoming acquainted with such departure, the court granted leave to amend on payment of costs.—*Carney v. Boulton*, 423.

17. The court refused to give special leave to amend by introducing new matter, where the matter of the proposed amendment

could be proved under the pleadings without such amendment.—*Wilmott v. Boulton*, 479.

18. Where by the order allowing a demurrer, leave is given to amend the bill, and the plaintiff afterwards neglects to amend, the proper course for the defendant to take in such a case, is to move that the plaintiff do amend within a given time, otherwise that the order to amend may be discharged, and the demurrer allowed.—*Nelson v. Robertson*, 530.

ANSWER.

19. Exceptions to an answer cannot be shewn as cause against dissolving a special injunction; for if the answer be insufficient, it may still be used as an affidavit.—*Harrison v. Baby*, 247.

APPEAL.

20. Executors will be ordered personally to repay costs paid to them or their solicitor under a decree which is afterwards reversed on appeal.—*Davidson v. Thirkell*, 284.

ATTACHMENT.

21. A party arrested upon an attachment out of this court is entitled to the benefit of the gaol limits on production to the sheriff of the certificate from the clerk of the crown, of bail having been filed according to the provisions of the statute 10 & 11 Victoria, ch. 15, which places prisoners in custody upon such attachment on the same footing as debtors.—*Davis v. Caspar*, 354.

22. And where in such a case the sheriff took bail to the limits and discharged the prisoner, an order on the sheriff directing him to pay the amount for which the party had been arrested, was refused, the court considering it doubtful whether the act 10 & 11 Victoria, ch. 15, would have the