

praying redemption, a re-conveyance by all parties, and general relief—that though the plaintiffs were not entitled to what they specifically prayed, yet they were entitled, under the general prayer, to a re-conveyance of the life estate of the mortgagees and an account of the rents and profits; and that the bill was not multifarious.—*Nelson v. Robertson*, 530.

DISCOVERY.

4. To a bill of discovery in aid of an action at law, to which it appears the defendant has pleaded, the defendant will not be permitted to plead a legal defence in bar, unless it appear that this defence has been relied upon in the action at law.—*Peel v. Kingsmill*, 584.

FEMME COVERT.

5. In suits by a married woman, respecting her separate property, she must sue separately from her husband, (by her next friend,) and must make her husband a defendant, as otherwise the proceeding is looked upon as exclusively the suit of the husband, and would not be conclusive on the wife or those claiming under her.—*Houlding v. Poole*, 206.

PARTIES.

6. Where the directors of an incorporated company misappropriated the funds of the corporation, a bill against them and the company, in respect of such misappropriation, cannot be sustained by some of the stockholders on behalf of all except the directors; the company must be made plaintiffs whether the acts of the directors are void or only voidable, and the stockholders have a right to make use of the name of the company as plaintiffs in such proceedings.—*Hamilton v. Desjardins Canal Company*, 1.

7. Where by the act of incorporation the government is authorised to purchase the corporate estate on payment of its full value, the Attorney-General is not a necessary party to a bill by the stockholders against the directors, complaining of improper conduct on the part of the latter in dealing with the corporate funds.—*Ib.*

8. In such case the defendants having answered, admitting certain moneys to have been received by the directors, a motion to pay the amount into court was refused, but the costs of the motion were reserved.—*Ib.*

9. In a creditor's bill against the devisees of a debtor, it is not indispensable that the heir-at-law should be a party.—*Fenny v. Priestman*, 133.

10. In a suit by trustees to reduce into possession the trust estate, and in which the existence of the trust estate is called in question by the defendant, the *cestuis que trust* are necessary parties.—*Houlding v. Poole*, 206.

11. Such executors as have proved, may sue without making the others parties, though the latter have not renounced.—*Forsyth v. Drake*, 223.

12. The representatives of a deceased tenant for life of an equity of redemption, are not necessary parties to a bill to foreclose, though the interest on the mortgage fell into arrear during the lifetime of the deceased.—*Ib.*

13. A mortgagor having devised his equity of redemption to trustees for his children in fee on their attaining the age of twenty-one: *Held*, that to a bill to foreclose against the *cestuis que trust* after they attain twenty-one, the trustees were not necessary parties.—*Ib.*