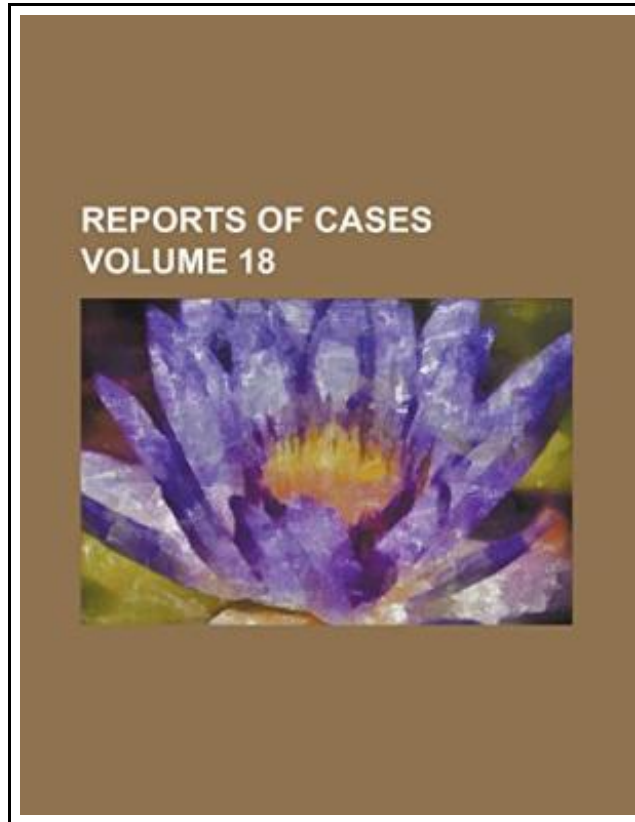


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Rarebooksclub.com, United States, 2013. Paperback. Book Condition: New. 246 x 189 mm. Language: English . Brand New Book ***** Print on Demand *****.This historic book may have numerous typos and missing text. Purchasers can usually download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1879 edition. Excerpt: .that the appeal should be allowed, it is of little consequence what opinion I may entertain on the subject. I still entertain the opinion, however, that the conclusion at which I arrived in the Court below, was a correct one: although after having heard the arguments on the appeal, the reasons for it, which I then gave, are not entirely satisfactory to me.-, The question--and the only question before the Court--is whether the bill in this cause should be removed from the files: not whether it is demurrable or otherwise open to objection in point of form, and whether or not it must be. removed because the defendants, or some of them are officials of the Court of Equity, to whom the Court has entrusted the custody of the lunatic s estate, and the leave of the Court has not been obtained before filing it. N o precedent or authority however has been cited for such a proposition. All the cases referred to are those in which actions at law were brought or threatened. And I can well understand that there might be good reason why the leave of the Court should sometimes be required before commencing an action at law against its officers, or before bringing an action upon their recognisances, Which would have no existence when the proceedings are instituted in the Court of Equity itself. That is the tribunal specially constituted for the adjustment and settlement of equitable rights; and it..



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