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Manners  
vs.  
Williams et al.

} On Demurrer to Bill.

MEMORANDUM OF POINTS OF ARGUMENT FOR LIBRARY  
COMPANY, DEFENDANT.

"1. It appears by the complainant's own showing in his said bill that he, the said complainant, is not the sole heir at law of James Rush, the testator in the said bill named, but that there are other heirs at law of the said testator whom the complainant has not made parties to the said bill, nor has he stated any sufficient excuse for their non-joinder."

The prayer of the bill is "that the title of the residue may be declared to be in your orator, *according to his share* thereof under the intestate laws of Pennsylvania," and so throughout the prayers.

The plaintiff does not bring himself within any of the exceptions to the rule that all parties interested in or to be bound by the decree must be made parties. Even in the case of one legatee, it is settled that "If the parties are very numerous, one has been allowed to sue on behalf of all, although he could not have sued for his separate share without bringing the others before the court;" Adams on Equity, page 639.

Nor have the other heirs at law been made defendants, nor is excuse made for their omission.

