

the plaintiff has a legal capacity to sue, 143.

The disclosures called for by the bill can only be such as are pertinent and material to the plaintiff's case, 144.

The nature of a bill of discovery.—Price v. Tyson, 397.

On a bill for delivery or sale, and an account, the decree for the plaintiff should direct a delivery or sale, and then an account up to that time.—Neale v. Hagthrop, 601.

Statements in a bill or answer as to agreements with persons not parties to the suit, the nature and validity of which agreements are not drawn in question, may be rejected as mere surplusage, 566.

Where, on a bill filed against a corporation, it is shewn or admitted to be in a condition of absolute insolvency, it may be thenceforward treated as a creditor's bill.—The Cape Sable Company's case, 626, 655.

BOND.

Where the purchase of land is the alleged consideration of several bonds, the contract is so entire, that if the consideration be shewn to be insufficient by any one defendant, such defence will enure to the benefit of all the others, even as against whom the bill might otherwise have been taken *pro confesso*.—Walsh v. Smyth, 16.

But where there is a ground of relief available by all the plaintiffs obligors, any of them may waive the benefit of it without affecting the others, 25.

Where the heir, being bound by bond in respect of assets descended, pays the debt, he may be reimbursed out of the personal estate.—Tessier v. Wyse, 41.

A bond creditor, the heir being bound, may at his election sue either the heir or executor at law, even although there may be a sufficiency of personality, 40.

On a sale under a decree, the bonds taken for the purchase money may be assigned in satisfaction to those entitled to the proceeds of the sale.—Kilty v. Quynn, 213.

Where a man by writing under seal, binds himself and his heirs for the payment of money, his real estate in the hands of his heir is liable at common law to be taken in execution.—Coombs v. Jordan, 301.

The distinction between simple contract and specialty debts.—Post v. Mackall, 520.

The lien given by the act to direct descents, repudiates every thing like an equitable lien, and can only be enforced at common law, as a statutory lien in-

cident to the bond, with which it has been blended.—Ridgely v. Iglehart, 547.

BOUNDARY TREES.

The number of concentric layers formed outside of the chop-mark of a boundary tree, adduced to shew when the mark was made; not to be relied on.—Patterson v. McCausland, 69, 94.

A man may have an estate of inheritance in land so long as a tree shall grow, 72.

The oak is said to live more than a thousand years; but the average term of life of most forest trees seems to be indefinite, 69.

The difference between exogenous and endogenous plants, 76.

The concentric layers of wood in the trunk of an exogenous tree, it has been said, are annual formations which shew its age, 69.

But this hypothesis not having been shewn to be a regular course of nature, the number of such layers cannot be received as evidence of any lapse time, 94.

CANAL.

A canal required to be kept in repair for the use of the public deemed a highway, and the acts of Assembly in relation to it, public laws of which the court must take notice.—Bosley v. The Susquehanna Canal, 65.

A right of way is nothing more than a special and limited right of use; all else belongs to the fee simple owner, 67.

The usual provision in canal and road acts for the condemnation of private property, held to be a substitute for the writ of *ad quod damnum*.—Compton v. The Susquehanna Rail Road, 339.

CONFISCATION.

The nature and principles of the revolutionary confiscation acts considered and applied.—Hepburn's case, 114.

The debts of a debtor were formerly, as a matter of grace, always paid out of his forfeited or escheated estate, 118.

The confiscation acts gave to the creditors of alien enemies remedies as effectual as those taken away; and removed no property beyond the reach of such creditors, 116.

CONSTITUTION.

All our governments are mere delegations of power for the benefit of a sovereign people.—Hepburn's case, 96.

No unlimited discretionary power can be conferred on the judiciary by the legislature, 97.

By virtue of the power of *eminent domain* private property may be taken for a