

- public use; but private property cannot be taken from one and given to another for any purpose, 98.
- The General Assembly cannot give away public property without any valuable or just consideration, 97.
- The state may, as against itself admit the truth of any fact, or waive the benefit of any rule of law, 99.
- The legislature may by law remove difficulties, or grant facilities, as between individuals without prejudice to private rights, 99.
- No wharfage can be allowed which contravenes any congressional regulation of commerce, or the free intercourse and equal rights secured by the federal constitution.—The Wharf case, 371, 374.
- An act of Assembly which assumes that the property belongs to either party, after a court of competent jurisdiction has determined that it belongs to neither, deemed unconstitutional, 385.
- The public lands can only be sold for a valuable consideration, or disposed of with a view to some public benefit.—*Baltimore v. McKim*, 460.

CONTRIBUTION.

- On a *scire facias* against the heirs and terre-tenants, they must be all summoned, to the end, that they may have the benefit of contribution among themselves.—*Tessier v. Wyse*, 40.
- A claim for contribution, being a secondary one, arising among co-debtors or those chargeable as such, can never be made or adjusted to the prejudice of a creditor.—*McCormick v. Gibson*, 507.

CORPORATION.

- Three kinds of corporations, in reference to their objects; the nature of each considered.—*McKim v. Odom*, 417.
- The charter of a close corporation by the Lord Proprietary, 416, note.
- How far an act of incorporation may be considered as a contract, 417, 419.
- Corporations may be charged in actions *ex delicto* as well as *ex contractu*, notwithstanding the general rule, that they can only bind themselves by means of the corporate seal, 421; The Cape Sable Company's case, 611.
- The proceedings against a corporation to enforce an answer or obedience to a decree.—*McKim v. Odom*, 421, 427.
- A corporation constituted of many stockholders may be virtually extinguished by all the stock being owned by one.—The Bellona Company's case, 446.
- The usual provision in road and canal 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*, 389.

The clause of an act of incorporation which gives the power of *eminent domain* to be construed strictly but fairly.—The Bellona Company's case, 448.

The property of a corporation, as well as that of an individual, is subject to be taken for public uses, under the power of *eminent domain*, 449.

A corporation considered as a mere citizen owner within the meaning of the authority to exercise the power of *eminent domain*, 451.

No authority to appear to an action against a body politic can be given otherwise than by its appropriate name.—The Cape Sable Company's case, 613.

Where the incorporating act requires the assent of three-fourths of the stockholders to contract, the body can only so contract, and the confession of a judgment to secure a debt is a contract within the meaning of such restriction, 613, 619.

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 proceeded on as a creditor's bill, 625, 655.

A body politic may have a local habitation; and should be sued in the county in which it has been located, 657.

Although by declaring, that the property of a corporation shall be held as *real* estate, its *personalty* must be so treated as regards its stockholders, it does not follow, that it must be so considered in all other respects, 670.

A partnership may be dissolved by some of its members becoming a body politic, 674.

COSTS.

For the service of all process which a sheriff may be required to serve, he is entitled to have his legal fees allowed and taxed as a part of the costs, and may enforce payment accordingly.—*Deale v. Estep*, 439.

A party may be compelled in a summary way to pay the costs due to a commissioner.—*Hall v. McPherson*, 533.

The nature of poundage fees allowed to the sheriff on an execution, the mode in which they may be recovered, and the grounds upon which a sheriff may obtain relief in equity.—The Cape Sable Company's case, 630, 639.

Where by a decree real and personal property, upon which an execution has been levied, is taken from the sheriff and sold without discrimination, his poundage fees will be allowed for the whole debt, first on the whole appraised value of the personalty, and for the residue on the realty, 641.