

PRINCIPAL AND SURETY.

- If the creditor does any act by which the peril of the surety is increased, or his means of reimbursement is postponed or impaired, the surety will be discharged.—*Salmon v. Clagett*, 173.
- A surety, on paying the whole debt, has a right to be subrogated to all the rights and securities of the principal, 173.
- But if there be an express reservation of all the creditor's remedies, the surety will not be discharged, 178.
- Where a creditor neglects, on being actually notified to come in under a creditor's suit, against the estate of the deceased as his principal debtor, such debtor's sureties will be discharged.—*Simmons v. Tongue*, 354.
- If a creditor, by his conduct, has rendered a security in a foreign state unavailable, to the prejudice of the surety, he will be thereby discharged.—*Post v. Mackall*, 516.

PROCESS.

- It is the duty of the sheriff to execute all process and orders issuing from this court.—*Deale v. Estep*, 438.
- A summons or *subpœna* issued by commissioners requiring a witness to attend and testify before them, under a commission to take evidence, is a process which must be served by the sheriff, 439.
- 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, 439.
- A citizen can only be sued or arrested by civil process in the county in which he resides; but may be taken by attachment from the Court of Chancery any where within the state.—*The Cape Sable Company's case*, 664.

PUBLICATION.

- The proceeding by publication, on the ground that the defendant does not reside in the state, does not apply to those cases, such as mariners, who are temporarily absent in their vocation.—*McKim v. Odom*, 415, 429, 431.

SALES UNDER DECREE.

- In sales under a decree, the court never warrants a title.—*Wampler v. Shipley*, 183.
- On a sale by the acre, the quantity is ascertained by a survey, 183.
- The trustee cannot abandon any right or dispose of the purchase money in any way without the previous sanction of the court, 183.
- Where the widow herself is the petitioner as guardian of her infant children for the sale of their real estate, her separate assent not necessary.—*Williams' case*, 210.

A bid may be reserved, or a bye-bidder allowed in certain cases, 212.

An estate ordered to be sold is under the protection of the court, and may be rented, and the buildings kept in repair until a sale can be effected, 215.

Where the plaintiff creditor is the purchaser, he need only pay the commissions and costs, with the balance if any.—*Jones v. Betsworth*, 195, 197, note.

The trustee may be ordered to convey the estate to the assignee of the purchaser; provided the assignment has been fairly made.—*Hanson v. Chapman*, 199; *Simmons v. Tongue*, 345.

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.

The actual holder of the estate may be ordered to pay an occupation rent pending the litigation.—*Williams' case*, 216.

The administrator and heir of a deceased purchaser ordered to pay the balance of purchase money.—*Coombs v. Jordan*, 287, 295.

The estate ordered to be re-sold to pay the balance of the purchase money, 288, 289.

A purchaser under a decree is not bound to see to the application of the purchase money, 329.

After the sale has been ratified, and the purchase money has become due, the purchaser and his sureties may be ordered to pay; and, on their failing to do so the land may be re-sold at the risk of the purchaser.—*Simmons v. Tongue*, 346, 347.

By consent the commission of the trustee given to the widow, 348.

Attorneys allowed 5 per cent. for suing for and collecting the proceeds of the sales under a decree.—*Post v. Mackall*, 528.

SHERIFF.

The sheriffs, for the time being, of the several counties are the executive officers of this court; and as such amenable to it.—*Deale v. Estep*, 438.

It is the duty of the sheriffs to execute all process and orders issuing from this court, 438.

A summons or *subpœna* issued by commissioners requiring a witness to attend and testify before them under a commission to take evidence, is a process which must be served by the sheriff, 439.

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, 439.