

SPECIFIC PERFORMANCE.—*Continued.*

such *choses in action* within a reasonable time; but could not do so after he had filed his bill against B, for a specific performance: And that B must use due diligence in collecting the *choses in action* so put into his hands; and should be allowed all proper expenses, to be deducted from the sums collected. *Dorsey v. Campbell*, 332.

2. On a bill for specific performance, where the agreement is admitted or proved as set forth in the answer, no cross bill is necessary, but a decree may be passed against each party according to the extent of his liability—against the one directing him to convey the estate; and against the other ordering him to pay the purchase money. *Ib.*
3. If, on a bill for a specific performance, a decree be passed directing the defendant to convey on the payment of the purchase money; there cannot afterwards be a decree ordering the plaintiff to pay the purchase money without a cross bill; although such a reciprocal decree might have been passed in the first instance, had it been called for, without a cross bill. *Etchison v. Dorsey*, 503.

STATUTE OF FRAUDS.

See CONTRACT, 2, 3, 7.

STATUTES.

I. CONSTRUCTION AND EFFECT.

1. The form and mode of proceeding in Chancery, according to the Act of Assembly, to obtain a division of an intestate's real estate among his heirs, where the lands lie in different counties. *Hughes' Case*, 39.
2. Where an Act of Assembly authorizes an object to be attained, and the prescribed course of attaining it is deficient, that of the forum resorted to may be pursued for the purpose of supplying such deficiency. If the deficiency cannot be so supplied, with propriety and effect, then the Court applied to can have no jurisdiction; and if it cannot be supplied by any other Court, then the Act of Assembly must be treated as a nullity, because of there being no tribunal competent to execute it. *Ib.*
3. The express provisions of a constitutional Act of Assembly cannot become obsolete, and are of superior authority to any usage or adjudged case whatever. *Snowden v. Snowden*, 516.

See ATTACHMENT.

II. ACTS OF ASSEMBLY.

1820, c. 161. *Hall v. Hall*, 120; *Allen v. Burke*, 511; *Griffith v. Bronaugh*, 514.

1825, c. 103. *Dorsey v. Campbell*, 332.

SUPPLEMENTAL ANSWER.

See PRACTICE, 3, 4, 5.

SURETY.

See DEBTOR AND CREDITOR, 16.

TAXES.

See MESNE PROFITS, 7.

TRUSTS AND TRUSTEES.

1. A person appointed trustee is not obliged to accept the office; but if he does so, he is bound to obey the orders of the Court. *Latimer v. Hanson*, 45.