

SHERIFF.—*Continued.*

2. It is the duty of the sheriffs to execute all process and orders issuing from this Court. *Ib.*
3. A summons or subpoena 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. *Ib.*
4. 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 in the case; and may enforce payment accordingly. *Ib.*
5. 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 the sheriff may obtain relief in equity. *Cape Sable Company's Case*, 587.
6. Where by a decree, passed with consent, real and personal property upon which an execution had 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. *Ib.*

## SURETY.

See DEBTOR AND CREDITOR, 23, 24, 32, 35, 36.

## TACKING.

The tacking of one claim to another is never allowed to the prejudice of others. *Coombs v. Jordan*, 292.

## TAXATION.

See LIFE ESTATES, 6.

## TRESPASS.

See INJUNCTION, 8.

## TRUSTS AND TRUSTEES.

1. A trustee appointed to sell property cannot be allowed to abandon any right arising out of the sale after it has been ratified; or to dispose of the purchase money in any way without the previous sanction of the Court. *Wampler v. Shipley*, 197.
2. Commissions to trustees on money collected. *Post v. Mackall*, 477.
3. A deed by which a father conveyed all his personal estate to his son, upon condition, that the son should pay certain specified debts due by the father, *held* to give rise to a resulting trust in favor of the father, so as to require the son to shew, that the specified debts of the father had been paid; and to give the representative of the father a right to relief and an account. *Neale v. Hagthorpe*, 538.

See ACTION.

LUNATIC, 3, 4.

## WARRANT OF RESURVEY.

1. A right to take out a warrant of resurvey is an incident only of a legal title derived from a patent, or of an imperfect legal title under a certificate compounded on. *Hughlett's Case*, 466.
2. Where the holder of a tract of land by a legal title, by a warrant of resurvey, takes in some contiguous vacancy, and then makes sale of the original tract by its name and description, as the vacancy embraced by the certificate, under the warrant of resurvey, does not thereby pass to the purchaser, he cannot obtain a patent upon such certificate of resurvey. *Ib.*