

Something was said in the argument about the land which was purchased from Herbert, having been conveyed to Mr. Lansdale, and one of the defendant's exhibits does show, that on the 28th of November, 1843, a parcel of land was conveyed to Lansdale by Herbert and wife, for the sum of \$4,755 25. It does not appear, however, that the land mentioned in this conveyance is the same with that on account of which the money charged in the account was paid by the complainant. And, moreover, the money charged in the account is charged as of the 1st of June, 1839, four years and more before the deed to Lansdale; and, I do not understand from the bill, that the objection to the charge is put upon the ground, that the purchase was made by, and the conveyance made to, Lansdale. The ground taken in the bill is, that these lands were purchased "with the concurrence and under the direction of the stockholders owning more than a major part of all the stock of the company."

As to the sum of \$590, for which the complainant claims a credit, it seems to me, some further explanations should be offered, before it is allowed as such.

I do not think the complainant can be charged with any part of the money expended in erecting the furnace. It was erected on the grounds of the defendant; and there is such a mass of proof going to show that it was treated and considered as the property of the company, by its agents and shareholders, that I do not see how it can be resisted. It would occupy much time and space to refer particularly to this evidence; and I, therefore, only advert to the depositions of Messrs. Gordon, Todhunter and Patterson, and to the complainant's exhibit, being a statement of the expenditures of the Savage Manufacturing Company, in which the cost of this furnace is put down at \$8000, as conclusive to show that this expenditure was regarded as a company expenditure, and the furnace as company property.

As respects the alleged credits to which the complainant claims to be entitled, and for the omission to give which he seeks to surcharge the account, I am of opinion, that looking