

CONSTRUCTION OF ACTS AND STATUTES—*Continued.*

divorces, is within the terms of the act of 1834, ch. 196, which authorizes the removal of all equity suits, then depending, or thereafter to be commenced in any of the County Courts of the sixth judicial district, to the Court of Chancery, notwithstanding no law existed giving the Courts of Equity jurisdiction in cases of divorce at the time the act of 1824 was passed. *Bayly vs. Bayly*, 326.

19. The rule prescribed by the common law, and the law of England, is applicable to the statute of 1841, ch. 262, and the term "cruelty" used in it, must have the same interpretation as that given by the ecclesiastical courts. *Coles vs. Coles*, 342.

CONTRACTS, CONSTRUCTION OF, &c.

1. It is not the duty of courts to shape the contracts of parties, but to enforce such as the parties themselves make, when they are competent to make them, and when no unfairness, fraud, surprise or mistake is shown. *Brown vs. Waters*, 201.

See CONSTRUCTION OF DEEDS.

VOID AND VOIDABLE CONTRACTS, 1, 2.

SPECIFIC PERFORMANCE.

CONVERSION OF REALTY INTO PERSONALTY.

1. Where real estate is sold under a decree of this court, the mutation from realty to personalty, is complete when the sale is ratified by the court, and the purchaser has complied with the terms of it, by paying the purchase money, if the sale is for cash, or, by giving bonds if the sale is on credit. *Manship vs. Evitts*, 366.
2. In this case the sale was ratified, and the purchaser had complied with the terms by paying the cash instalment of purchase money, and giving bonds with sufficient surety for the balance, and the Auditor had assigned a portion of the proceeds to M. and wife, in right of the wife, who was one of the heirs at law, of the deceased, whose estate was sold. After this the wife died, leaving her husband surviving her, and having had issue during coverture, which issue was then dead. HELD—That the change from real to personal estate was complete before the death of the wife, and the proportion of the purchase money which had been assigned to the husband and wife, must be regarded as a *chose in action*, and as such survived to the husband. *Id.*

CONVEYANCES.

See FRAUDULENT CONVEYANCES.

CORPORATIONS.

See PRACTICE IN CHANCERY, 36.

CHURCHES, 1.

CREDITORS.

See ASSIGNMENT, &c. 6.

EXECUTOR, &c. 2.

PRACTICE IN CHANCERY, 32, 34.

RECORDING OF MORTGAGES, 3, 4, 5.

GIFTS FROM HUSBAND TO WIFE, 1.

DOWER, 4, 5, 6.

EXECUTOR, &c. 10.