

REPRESENTATION AMONG COLLATERALS.

A. died intestate, leaving uncles and aunts, and the children of uncles and aunts. **HELD**—

That under the act of 1820, ch. 171, sec. 4, the uncles and aunts are entitled to the whole real estate, to the exclusion of the children of the deceased uncles and aunts. *Levering vs. Heighe*, 81.

RES GESTÆ.

See EVIDENCE, 3, 4, 5, 15.

RESULTING TRUSTS.

See TRUSTS, 2.

RIPARIAN PROPRIETORS, RIGHTS OF.

Owners of lands bordering upon navigable waters, are, as riparian proprietors, entitled to any increase of the soil which may result from the gradual recession of the waters from the shore, or from accretion by alluvion, or from any other cause; and this is regarded as the equivalent for the loss they may sustain from the breaking in, or encroachment, of the waters upon their lands. *Chapman vs. Hoskins*, 485.

SALES BY SHERIFF.

See LAPSE OF TIME, 2.

SECRET CONVEYANCES.

See RECORDING OF MORTGAGES, 1, 4.

SECRET EQUITIES.

See EQUITABLE LIEN ON LANDS.

SEPARATE ESTATE OF MARRIED WOMEN.

See EVIDENCE, 12.

SETTLEMENT.

See MISTAKE, 1, 2, 3.

SHERIFF'S RETURN TO WRIT OF FI. FA.

1. The Court of Chancery has no jurisdiction to decide that a return to a writ of *fi. facias*, or *venditioni exponas*, is defective—the court out of which the writ issued, alone have cognizance of the question of the sufficiency of the return. *Nelson et al. vs. Turner*, 73.
2. If a defendant at law objects to the return of the sheriff, he may appear in the County Court, at the term to which the writs were returnable, and move to quash them, or retain possession of the land sold, and effectually defend himself in an action of ejectment, brought by the purchaser, or upon proceedings under the act of 1825, ch. 103, if the description of the land in the return was so far defective as to render it void for uncertainty. *Id.*
3. The father of the plaintiffs in this case, having failed to adopt either of these modes of resistance, and having, by various acts and declarations, free from all equivocation, or doubt, acknowledged the perfect validity of the purchaser's title—under these circumstances, there can be no principle of equity which would justify the active interposition of this court in his favor, or in favor of those who claim under him. *Id.*

SPECIFIC PERFORMANCE.

1. There can be no doubt that a court of equity will enforce the specific