

- but that usually given for the purchase money and endorsed on a deed for land is evidence of the lowest order, 249.
- Parol proof which goes to sustain and supply deficiencies in a written instrument may be received, 249.
- The answer of one defendant cannot be evidence for another, except in some particular cases, 267.
- A co-plaintiff or a co-defendant may be examined as a witness if he has no interest in the matter, or none in that part of it as to which separate relief may be given, 268.
- If a co-defendant has been received by the plaintiff as a witness to the whole, the bill as to him must be dismissed, 268.
- If a defendant in argument relies upon the answer of his co-defendant as evidence in his favour, he thereby makes it evidence against himself.—*Chase v. Manhardt*, 336.
- Certified copies from the land office are deemed legal evidence.—*Cunningham v. Browning*, 308.
- A letter cannot be used as evidence of a contract in connexion with a part only of the verbal testimony.—*Ogden v. Ogden*, 287.
- The mode of taking testimony in a creditors suit so as to insure a correct report of it to the court.—*Williamson v. Wilson*, 434.
- Evidence may be taken before a justice of the peace under a special order.—*McKim v. Thompson*, 154; *Clapham v. Thompson*, 124.
- The mode of taking testimony here before a justice of the peace in relation to any interlocutory matter unknown to the English practice.—*Hodges v. Mullikin*, 507.
- A defendant as to whom a decree cannot be opened is a competent witness for a co-defendant who applies for leave to file a bill of review, 507.
- A trustee under the decree whose liability to refund what has been paid him as commissioner will not be increased by opening the decree, is a competent witness on an application for leave to file a bill of review, 508.
- ### EXECUTION.
- When property equal in value to the debt has been taken under a *feri facias*, the debtor is discharged, and the creditor must look to the sheriff.—*Hoye v. Penn*, 43.
- To enforce the execution of a decree for the payment of money, and also for indemnification, the plaintiff may have a *ca. sa.* and an attachment at the same time.—*Bryson v. Petty*, 183.
- A room in a tavern may be used as a gaol by the sheriff to confine a person under a *ca. sa.*, 183.
- Upon a decree for dower, there can be no sequestration of the two-thirds to satisfy the claim for rents and profits of the dower.—*H. K. Chase's case*, 372.
- A decree for an annual sum may be enforced in a summary way, or by putting a receiver upon the estate charged.—*Rebecca Owings' case*, 297.
- The manner in which possession may be ordered to be delivered to a purchaser under a *feri facias*.—*Dorsey v. Campbell*, 364.
- Real estate not liable by the common law to be taken in execution and sold for debt, except at the suit of the State. *Jones v. Jones*, 445; *Birchfield v. Brown*, 446.
- By *elegit* the half, and afterwards by statute the whole of the real estate of the debtor made liable.—*Jones v. Jones*, 447.
- The nature and extent of a judicial lien upon real estate, 447.
- Although a lien fastens upon real estate from the date of the judgment, no execution can be issued if the case has abated by the death of either party, until it has been revived, 448.
- There is no lien upon personal estate as against third persons, until the *feri facias* has been delivered to the sheriff, 448.
- By the seizure the sheriff acquires a special property in the goods taken, 448.
- A *feri facias* bearing *teste* before the death of the defendant evicts the real and personal estate from the hands of the heir or devisee, and from the executor or administrator, 449.
- Real or personal property taken and sold under a *feri facias* is thereby converted into money, the realty being thus converted into personalty, 450.
- A share of the proceeds of the sale of realty, a chose in action, cannot be taken in execution, yet it may be under circumstances applied by the court to the satisfaction of creditors, 459.
- Money cannot be taken in execution, nor can money in the hands of a sheriff made under an execution from another court be ordered to be brought into this court, 460.
- Public stock, choses in action, &c. cannot be taken in execution; but choses in action may be attached at law.—*Watkins v. Dorset*, 533.
- If a party cannot obtain satisfaction by any execution at law, he may proceed by bill in equity, 534.
- A judicial attachment cannot be awarded by the court of chancery, 534.
- To constitute a valid title to land purchased at a sheriff's sale, it is necessary that there should be a return made to the *feri facias*, that the return should specify the land sold, and that the return should be recorded.—*Duval v. Waters*, 589.