

What is deemed a sufficiently certain description in the return of a *feri facias* of the land sold under it, 591.

EXECUTORS & ADMINISTRATORS.

An executor or administrator upon letters granted in the District of Columbia may sue here, but not if granted in another State or a foreign country.—*Burch v. Scott*, 113, note.

Land devised to be sold was sold by the executor under an apprehension, that he was authorized to sell, the sale was affirmed.—*Ex parte Margaret Black*, 142.

No part of the personal estate of a deceased debtor can be applied in payment of his debts without making his executor or administrator a party to the suit.—*Jones v. Jones*, 460.

An absolute judgment against an executor or administrator is conclusive evidence against him of a sufficiency of assets.—*Dorsey v. Hammond*, 472.

An executor or administrator who overpays is allowed to take the place of the creditor so paid, but he must prove the claim in like manner as might have been required of the creditor.—*Watkins v. Dorsett*, 531; *Ex parte Street*, 532.

FRAUD.

A voluntary conveyance by a parent who is indebted at the time, is of itself fraudulent as against creditors, although good between the parties.—*Hoye v. Penn*, 32; *Duvall v. Waters*, 587.

Where the defrauded party comes to have the conveyance set aside, equity will let it stand for what is really due, otherwise if he who takes under it comes to have it executed.—*Strike's case*, 81.

If the statute of frauds be not specially relied on, or nothing is said of it, it is waived, and the defendant cannot object to any proof because it is not in writing.—*Lingan v. Henderson*, 248; *Ogden v. Ogden*, 288.

The whole agreement, as well the consideration as the promise, must be in writing.—*Ogden v. Ogden*, 287.

The statute applies not to promises to marry, but to pay portions, &c. in consideration of marriage, 287.

Although the defendant relies upon the statute, yet he must answer fully, so that if any thing appears which takes the case out of the statute the plaintiff may have relief, 288.

Marriage alone is not a part performance; but if the man in consequence of a letter to himself, his father, or a friend, promising a portion, marries, it is a performance on his part, and the promise may be enforced, 288.

Equity will in some cases relieve a party from the consequences of a fraud which

has been practised upon a third person.—*Chase v. Manhardt*, 350.

If a deed be not read at all, or be read improperly to an illiterate man, he will not be bound by it.—*Colegate D. Owings' case*, 391.

Weakness of mind may be taken into consideration with other circumstances to shew fraud, 377—390.

What is meant by such weakness as an evidence of fraud, 391.

The various kinds of circumstances which with weakness of mind constitute fraud, 391.

Fraud and deceit by him who is trusted is the most odious, 397.

HUSBAND AND WIFE.

As to the mode in which a *feme covert* may dispose of her real estate.—*H. K. Chase's case*, 228.

A wife cannot be a witness for or against her husband; therefore he cannot be bound or benefited by her answer.—*Lingan v. Henderson*, 260—260.

In some cases the apparently joint answer of husband and wife may be treated as her separate answer, 269.

If she apprehends he will not make a proper defence for her, she may as of course obtain leave to answer separately, 270.

Real estate sold to effect a division, the rights of a *feme covert* ought not to be prejudiced thereby.—*Jones v. Jones*, 455.

A share of real estate given to the wife for life, remainder to her children, on a sale to effect a division her share may be paid to her husband on his giving bond to pay to her children after her death.—*Wells v. Roloson*, 456.

After a sale to effect a division, the husband of one of the parceners died, her share of the proceeds paid to herself, 456; *Iglehart v. Armiger*, 521.

Real estate sold to effect a division, the husband and wife may elect to take a portion of the proceeds of sale in lieu of the use of the whole given to the wife for life.—*Wells v. Roloson*, 457.

If a *feme covert* devisee for life elects to take a part of the proceeds of sale as the value and in lieu of her life estate, she must do so by an application in writing attested.—*Wells v. Roloson*, 457.

The law recognised in relation to what is called the wife's equity.—*Jones v. Jones*, 459.

A sale to effect a division, one share being the property of the wife, the wife died the share considered as personalty awarded to the husband.—*Spurrier v Spurrier*, 476—478.

IMPROVEMENTS.

A mortgagee in possession may be allow