

between the parties, as a lien upon the real estate from the first day of the term; but by statute it only so operates as against purchasers from its date.—*Jones v. Jones*, 447.

Although the lien fastens upon the real estate by the judgment, yet if the case has abated by the death of either party, no execution can issue until it has been revived, 448.

The lien of a judgment does not fasten upon personal estate until the *fiery facias* has been actually delivered to the sheriff, 448.

A judgment in favour of the State operates as a lien upon its debtor's real estate from the commencement of the suit, 445; *Hodges v. Mullikin*, 515.

The nature of a vendor's lien, and how it differs from other liens.—*Moreton v. Harrison*, 493; *Iglehart v. Armiger*, 522.

An assignment of the bond or note given to secure the payment of the purchase money does not carry with it the vendor's lien, but is a tacit relinquishment of it.—*Iglehart v. Armiger*, 524.

There may be two or more equitable liens upon the same land, as well as two or more mortgages, 526.

On a sale under a decree the court is the vendor, and as such the holder of the equitable lien, 527.

If the purchase money be not paid, the court under its equitable lien may order a resale at the risk of the purchaser.—*Mullikin v. Mullikin*, 541.

## LUNATIC.

A woman may be appointed committee of a lunatic.—*Gibson's case*, 141.

A lunatic cannot sue by *prochein amy*; but without being so found lunatic may, under circumstances come in with other persons as co-plaintiffs, who may be appointed to receive the relief as her trustees.—*Rebecca Owings' case*, 293—295.

Without an inquisition no one can be judicially restrained as a lunatic, 293.

The ordering of an inquisition is discretionary, and a person who is in fact *non compos mentis* may be protected without an inquisition, 294.

Although a father may appoint a guardian to his infant child, yet he cannot appoint a guardian of his adult lunatic child, 295.

On the death of a lunatic, who has been permitted to sue with others as her trustee, the suit abates; and the trustee's authority ceases as to all purposes, but that of closing his accounts, 293.

A suit which has been dismissed by undue influence upon a plaintiff in her dotage, may be reinstated and conducted by her solicitors.—*Colegate D. Owings' case*, 372.

A person in dotage or an imbecile adult may sue by next friend, 373; *Rothwell v. Boushell*, 373.

The person and property of one in dotage, though not declared a lunatic may be protected by the court.—*Colegate D. Owings' case*, 373—375.

In order to ascertain the mental condition of a party, medical professors may be ordered to visit him and make report to the court, 375.

The maxim of the English law, that no man of full age shall be in any plea to be pleaded by him received by the law to stultify himself and disable his own person, considered and rejected, 376.

Under the general legal term, *non compos mentis*, is comprehended every species of mental derangement which incapacitates a man from making a legal contract, 384.

*Non compos mentis*, as in idiocy, as in delerium, as in lunacy, and as in dotage, 386—389.

The becoming a lunatic does not release a contracting party from his liability; and therefore the court may appoint a trustee to convey in his name in specific performance of his contract.—*Colegate D. Owings' case*, 405.

A lunatic defendant may have a guardian *ad litem* appointed to answer for him.—*Rothwell v. Boushell*, 373.

## MARRIAGE.

The statute of frauds relates only to agreements made upon consideration of marriage.—*Ogden v. Ogden*, 237.

Marriage alone is not a part performance of such an agreement, 288.

A letter may under certain circumstances be deemed a binding contract within the meaning of the statute, 288.

A contract of marriage is the parent not the child of civil society.—*Fornhill v. Murray*, 431.

If a marriage be valid where celebrated, it is valid every where, 485.

It should be solemnized in the face of a church, or with the blessing of a clergyman, 481.

General reputation with some exceptions is deemed sufficient evidence of a marriage, 482.

A divorce can only be effected by an act of the General Assembly, 482.

A county court may inquire into the validity of a marriage, and declare it void, 483.

The court of chancery may perhaps annul a marriage which has been procured by abduction, terror, and fraud, 483.

After the death of husband or wife there can be no judicial proceeding had for the purpose of bastardizing the issue, or barring dower or courtesy, 483.