

- troduced into and blended with a pending suit, 98.
- A solicitor cannot be permitted at any time to divulge the secrets of his client without his consent.—*Hannah K. Chase's case*, 222.
- A solicitor may refuse to act further for his client, but he cannot go over to the opposite party, 222.
- SPECIFIC PERFORMANCE.**
- On a bill to obtain a legal title according to a bond of conveyance, the defendant may be ordered to produce an act of Assembly to confirm the conveyance.—*Rawlings v. Carroll*, 75.
- Verbal proof in any respect essentially different from the written contract, or of the written part of it cannot be received.—*Ogden v. Ogden*, 287.
- If it be doubtful whether a letter, concerning a contemplated marriage, was intended as an agreement to pay a portion or not, the court will not decree a performance, 288.
- Where the plaintiff by his bill offers to perform his part, and the answer admits or sets out the agreement which is proved, there may be a decree against each without a cross bill.—*Dorsey v. Campbell*, 359; *Watkins v. Watkins*, 359; *Long v. Gorsuch*, 361; *Etchison v. Dorsey*, 536.
- STATUTE OF LIMITATIONS.**
- After the claim of a creditor has been contested upon its merits, the heir cannot be allowed to rely upon the statute of limitations.—*McMechen v. Chase*, 85.
- In a creditors suit if the statute of limitations be not specially objected to a claim, it cannot be taken advantage of.—*Strike's case*, 91.
- In a creditors suit the statute of limitations may be relied on in bar of a claim brought in under the decree, by any one of the original parties or by a co-creditor, 93.
- The policy of the statute is, that there should be an end to litigation—it goes to shew, either that the claim never existed, or that it has been satisfied.—*Lingan v. Henderson*, 272; *Moreton v. Harrison*, 501.
- The statute applies only by analogy in equity: if the party would have been barred at law he shall be barred in equity, 273.
- There are various circumstances which will take a case out of the statute or prevent its operation, 273.
- A promise or acknowledgment takes a case out of the statute because of its being a renewal of the contract; and therefore where there is a plurality of defendants, it must come from all or from a then partner or person competent to contract for all, 277.
- The statute of limitations may be available against only a part of the cause of suit, 278.
- Such a plea cannot be received to enure only to the benefit of him who pleads it against a bond, note, or the like, 278.
- Where the purchase money has been secured by an equitable lien, a bond, and a note; twenty years only is a bar to the lien, twelve years of the bond, and three years of the note; but if the bond or note be so barred on suit, that cannot affect the lien in equity, 280, 500.
- A partial payment takes the case out of the statute of limitations.—*Moreton v. Harrison*, 493.
- On a plea of the statute, if the bill alleges any fact which would take the case out of the statute, such fact must be denied by an answer in support of the plea.—*Lingan v. Henderson*, 282; *Moreton v. Harrison*, 493.
- A plaintiff may take advantage of the statute for the protection of his interests.—*Watkins v. Dorsett*, 532.
- There is no saving in the act limiting appeals in favor of persons *non compos mentis*.—*Colegate D. Owings' case*, 408.
- TRUSTEE UNDER A DECREE.**
- A trustee who has obtained judgment against a purchaser upon his bond may have the same land sold under a *fiery facias* upon such terms as he may deem best on consulting with the parties concerned. *Hoye v. Penn*, 41.
- A trustee may be required to invest money in his hands, and on his failing to do so or to bring it into court, may be charged with compound interest.—*Latimer v. Hanson*, 53.
- He is not bound to accept or to continue in the office; but if he does do so, he must obey the orders of the court, 56.
- This court has the power, independently of any act of Assembly, to employ a trustee to execute its orders or decrees by a sale or otherwise.—*Gibson's case*, 139; *Pue v. Dorsey*, 139.
- A trustee is regarded as the legal ministerial officer of the court, 139.
- A *feme sole* may be employed as a trustee; 141; *Ex parte Margaret Black*, 142.
- In a creditors suit the widow may be appointed trustee, so that the commissions may be saved to her and her children.—*Gibson's case*, 141.
- The register of this court, the clerk of a court, an infant, a *feme covert*, a non-resident, or an officer of the army or navy cannot be appointed trustee, 143.
- A trustee being appointed during pleasure may at any time be removed for cause, 143; *Mackubin v. Brown*, 412; *Mullikin v. Mullikin*, 539.
- In the selection of a trustee recommendations are heard, and all circumstances considered.—*Gibson's case*, 143.
- Where the decree directs the property to be advertised for sale, the trustee must so put it into the market; but after that