

Held to give rise to a resulting trust in favour of the father, so as to require the son to shew, that the specified creditors had been satisfied.—*Neale v. Hagthrop*, 580.

DISCOUNT.

A discount in bar, if not distinctly specified and admitted, must be shewn and established by him who is to benefit by it, or it will be rejected.—*Simmons v. Tongue*, 355.

DOWER.

On the petition of a widow in a creditor's suit a commission may be issued to assign to her, her dower.—*Simmons v. Tongue*, 344.

A devise in lieu of dower, considered as dower, and if not insisted on by the widow in a creditor's suit, the real estate, as usual, sold clear, leaving her to come in for the value of her dower out of the proceeds of sale.—*McCornick v. Gibson*, 501.

The rules for estimating the value of dower considered and explained.—*Williams' case*, 221, 281.

EMINENT DOMAIN.

By virtue of the power of *eminent domain* private property may be taken for public uses; but private property cannot be taken from one and given to another in any way.—*Hepburn's case*, 98; *Williams' case*, 204; *The Bellona Company's case*, 451.

The usual provision in road and canal acts, for the condemnation of private property held to be a substitute for the writ of *ad quod damnum*.—*Compton v. The Susquehanna Rail Road*, 359.

The clause of an act of incorporation which gives the power of *eminent domain* to be construed strictly but fairly.—*The Bellona Company's case*, 448.

The property of a corporation as well as that of an individual, is subject to the power of *eminent domain*, 449.

What is such a public use as authorizes the so taking of private property, 451.

Where there are several public uses the exercise of the power may be so limited as to preserve them all, 452.

ESTATE.

A man may have an estate of inheritance in land so long as such a tree shall grow.—*Patterson v. McCausland*, 72.

EVIDENCE.

The law respects the regular course of nature, and a presumption arising from such a known course held to be good evidence.—*Patterson v. McCausland*, 71.

It not having been established that the concentric layers in the trunks of trees

are regular annual formations, the number of them found in the trunk of a boundary tree cannot be received as evidence of the lapse of any given time, 69.

No one can be allowed to discredit his own testimony.—*Hepburn's case*, 106.

An interrogatory, in the nature of a cross bill, propounded by a defendant to a plaintiff, answered by the monosyllable, yes.—*Salmon v. Clagett*, 130.

On a motion to dissolve an injunction *ex parte* affidavits or proofs admitted, 132.

No one can be compelled to criminate himself, 144.

It is a privilege of a client, that no facts communicated by him shall be disclosed by his attorney or solicitor, 145.

A defendant is not bound to produce by way of answer any public documentary evidence of which he is the official keeper, 145.

The legality of evidence brought out by a bill of discovery must be determined by the court of common law for whose use the discovery was made.—*Price v. Tyson*, 405.

Husband and wife are incompetent witnesses for or against each other, as well after as during the coverture, 405.

Where evidence is to be taken a reasonable time to collect it is allowed as of course.—*McKin v. Odom*, 412.

A summons issued by commissioners requiring a witness to attend and testify before them under a commission to take evidence, is a process which must be served by the sheriff.—*Deale v. Estep*, 439.

Upon the return of a *subpœna duces tecum* the person summoned may shew cause; but, if overruled, must produce the document.—*Randall v. Hodges*, 478, 485.

The documents and vouchers upon which an account has been passed by the Orphans Court, form no part of its records; and therefore, if they have been lodged with the Register of Wills, he may be compelled, by a *subpœna duces tecum*, to produce them, 483.

The effect of an endorsement of partial payment as evidence to take a case out of the statute of limitations.—*Post v. Mackall*, 522.

An order to take evidence to establish claims in a creditor's suit, 496.

Where there is no proof of the exact time, a medium must be assumed.—*Neale v. Hagthrop*, 588.

EXECUTION.

In general where a man may alien his real estate it may be taken and sold under an execution against his property.—*Coombs v. Jordan*, 299.
Chattels real, like mere moveables, are