liable at common law to be taken and sold under a *fieri facias*, 300.

Where a man by writing under seal, binds himself and his heirs to pay money, his lands in the hands of his heir may, at the common law, be taken in execution to satisfy the debt, 301.

An imperfect legal title in the land office, considered as a chattel real and liable to be taken in execution at common law, 303.

The statute subjecting lands to be taken in execution and sold, considered and explained, 304, 309.

Real estate cannot be sold under an execution from a justice of the peace, 309.

Growing crops and emblements may be taken and sold under a *fieri facias*, 312, 313.

What kind of incorporeal hereditaments may be taken in execution, 315.

Some kinds of interests in real estate cannot be taken and sold under a *fieri facias*, 316.

The power to issue writs of *capias ad satisfaciendum* and *fieri facias* given to the Court of Chancery, to the like extent as used by the courts of common law, 321; The Cape Sable Company's case, 638.

A *capias ad satisfaciendum* and a *fieri facias* may be at once sued out upon a judgment or decree, so that they be not both executed at the same time. —Coombs *v*. Jordan, 321; The Cape Sable Company's case, 665.

From the complex nature of some decrees it may not be practicable to enforce them entirely by a *fieri facias*.—Coombs *v*. Jordan, 321.

After the dissolution of an injunction the realty which had been previously taken may be sold under a *venditioni exponas*. —The Cape Sable Company's case, 638.

The personal estate being the natural fund for the payment of debts, should, although not so expressly ordered by law, as far as practicable be first taken in execution.—Tessier *v*. Wyse, 39, 42; The Cape Sable Company's case, 640.

EXECUTORS AND ADMINISTRATORS.

An executor or administrator regarded in equity as a trustee; yet has an unqualified ownership of the assets to a certain extent.—Salmon *v*. Clagett, 169; Neale *v*. Hagthrop, 565.

Every person who acquires personal assets by a breach of trust or *devastavit* in the executor or administrator is responsible to those entitled.—Salmon *v*. Clagett, 169.

No one who joins in a deed with the administrator in mortgaging the assets can, as next of kin, complain of their misapplication, 170.

An instance in which it would seem, that a fee simple estate might become assets in the hands of an executor.—Coombs *v*. Jordan, 300.

An imperfect legal title in the land office, considered as a sort of chattel real and assets in the hands of the executor, 303.

The personal estate must be so disposed of as to leave no superannuated slave as a burthen upon it or the public.—Post *v*. Mackall, 526.

The marshalling of assets, in what cases it may be made without prejudice to the creditors, 502.

An administrator *de bonis non* can recover only such assets as have not been converted or distributed by his predecessor.—Neale *v*. Hagthrop, 562.

Although the next of kin have a vested interest in the surplus, they can only make title, or recover from or through an administrator, 564.

An executor or administrator may answer according to his belief, 568.

FIXTURES.

What are so considered as, between vendor and vendee; landlord and tenant; or heir and executor.—Coombs *v*. Jordan, 311.

HIGHWAYS.

All laws in relation to canals and other highways are public laws of which the court must take notice.—Bosley *v*. The Susquehanna Canal, 65.

A right of way is nothing more than a special and limited right of use; all else belongs to the fee simple owner, 67.

A toll for the use of a highway, wharf, or market, is in the nature of a tax which cannot be levied without the express sanction of the General Assembly.—The Wharf case, 375, 380.

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, 389.

IMPROVEMENTS.

Under the head of just allowances a mortgagee or trustee in possession is allowed for necessary repairs, and permanent improvements.—Neale *v*. Hagthrop, 590.

The value of such improvements to be estimated as of the day when the plaintiff obtains possession of them, 591.

INFANTS.

The cases in which the parol shall demur, and how altered by act of Assembly.—Tessier *v*. Wyse, 41, 49; *Anderson* v. *Rawlins*, 41.

The mere fact of an infant's having attained his full age is not a ground for