

STATUTE OF LIMITATIONS.

The lapse of years cannot fail to give rise to an unanswerable presumption against the validity of an antiquated claim of any kind.—*Hepburn's case*, 110.

The statute of limitations must be pleaded or specially relied on; but a presumption of satisfaction arising from lapse of time, may, without putting it as a defence upon the record, be taken advantage of at the hearing, 110.

Lapse of time is a defence available against the state, and may be taken advantage of by it, 111.

A presumption of satisfaction rests on two facts; first, that the creditor had a remedy; and secondly, that the debtor himself was or had property within reach of that remedy, 112.

Lapse of time may be relied on in the answer, or taken advantage of at the hearing.—*Salmon v. Clagett*, 142.

After the lapse of three years, a judgment is presumed to be satisfied, so that no execution can be issued thereon.—*Coombs v. Jordan*, 324.

A judicial lien when barred by lapse of time cannot be revived so as to have a retrospective effect prejudicial to the rights of others, 324.

When relied on in general terms, in a creditor's suit, is applied according to the nature of the claim; is only to prevail as it may apply to the representatives of the realty or personalty; and runs up to the time of filing the voucher.—*Post v. Mackall*, 498; *McCormick v. Gibson*, 509.

A plea of limitations can be received only from him who has something to protect by it; and enures only to the benefit of him who relies on it.—*Post v. Mackall*, 499, 525; *McCormick v. Gibson*, 500, 507; *The Cape Sable Company's case*, 672.

The effect of an endorsement of a partial payment in taking a case out of the statute.—*Post v. Mackall*, 522.

The mode of distribution, in a creditor's suit, where there are conflicting pleas of limitation, 525; *McCormick v. Gibson*, 509.

The distinction between simple contract and specialty debts as regards the statute of limitations.—*Post v. Mackall*, 520.

An acknowledgment of a debt will not be sufficient to take a case out of the statute, if there be any collusion.—*The Cape Sable Company's case*, 673.

TAXES.

The constitutional rule of taxation, its meaning and application.—*Williams' case*, 254, 260.

A poll tax, its nature and operation, 254.

The exemption of paupers; who is a pauper, 255.

The constitutional equality must mean a practicable approximation to actual equality, 257.

No property can, constitutionally, be exempted from taxation, 257.

The early tax laws considered and compared, 260, 264.

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

TRUST.

A trustee appointed by a decree to sell cannot abandon any right, or dispose of the purchase money in any way without the previous sanction of the court.—*Wampler v. Shipley*, 182.

Under a decree for a sale the trustee may reserve a bid, or have a bye-bidder in certain cases.—*Williams' case*, 212.

The administrator of a deceased trustee under a decree ordered to bring into court the bonds, the purchase money, and to account.—*Coombs v. Jordan*, 287, 295.

By consent of the trustee, his commission given to the widow.—*Simmons v. Tongue*, 348.

The nature of resulting trusts in what cases they arise.—*Neale v. Hagthorpe*, 582.

A new trustee appointed in place of one who never consented to act as such under the deed, or in the prosecution of the suit.—*The Cape Sable Company's case*, 627.

VENDOR AND VENDEE.

Where the purchase of land is the consideration of several bonds the contract as to them is entire an indivisible.—*Walsh v. Smyth*, 15.

In sales under a decree the court never warrants a title.—*Wampler v. Shipley*, 183.

After a sale under a decree the trustee may be ordered to convey the estate to the assignee of the purchaser.—*Hanson v. Chapman*, 199; *Simmons v. Tongue*, 345.

A purchaser for a valuable consideration without notice will not be disturbed—what is notice.—*Neale v. Hagthorpe*, 586.

WASTE.

A decree for a sale virtually puts the estate under the protection of the court, after which an injunction may be granted to stay waste.—*Tessier v. Wyse*, 60; *Williams' case*, 215.

An injunction may be granted to stay waste on the mortgaged estate before