

- of a violation of his trust.—*Contee v. Dawson*, 289.
- Those who mislead or practise a fraud upon a trustee can claim nothing of him, 290.
- The cases in which a trustee may be appointed, under the act of 1785, ch. 72, s. 4, to make a sale on an *ex parte* petition.—*Deakins' case*, 398; *Ex parte Boone*, 321; *Ex parte Tongue*, 322; *Ex parte Berry*, 322; *Ex parte Zimmerman*, 323; *Ex parte Conway*, 323.
- On an application under this act by a creditor, if his claim be a stale one, some proof of its validity will be required.—*Deakins' case*, 400.
- A trustee appointed under this act will not be allowed to sell any but the land devised to be sold; and may be controlled in other respects, 398.
- Where such a trustee has left the state without completing his trust, another trustee may be appointed.—*Ex parte Berry*, 322.
- After the claims have been stated and sanctioned, the trustee allowed to pay them.—*Hindman v. Clayton*, 339.
- Under the head of just allowances a trustee may be allowed a fee paid to a solicitor for advice in relation to his trust.—*Jones v. Stockett*, 417.
- A complaint that a trustee holds the trust fund idle and unprofitable, implies that he should bring it in to be invested, 425.
- There are few cases in which a trustee may not decline to act without the direction of the court, 425.—*Orchard v. Smith*, 319.
- In what cases the court will remove or discharge a trustee after he has accepted the trust.—*Jones v. Stockett*, 434.
- A trustee appointed by a decree to make a sale, cannot be permitted, without the previous sanction of the court, to apply the proceeds of sale.—*Tilly v. Tilly*, 445.
- Although no trustee can himself purchase at the sale he makes, yet a plaintiff, defendant, creditor, or mortgagee, may; and after the costs, &c. have been deducted, the residue of the purchase money applied in discharge of the debt.—*Murdock's case*, 467.
- In the appointment of a trustee those creditors who shew the greatest amount of claims to have the most weight.—*Watkins v. Worthington*, 511.

WITNESS.

- A cross-examination no waiver of any objection to a witness.—*Winder v. Diffenderfer*, 193.
- A witness may, for cause, demur, upon which his examination must be suspended, 194.
- A witness may be compelled to attend and have his deposition taken before a justice of the peace, 196.
- A witness may be summoned and compelled to give evidence before commissioners to take evidence.—*Maccubbin v. Matthews*, 252.
- A commission to take evidence should be executed within a reasonable distance of the residence of the witness, 253.
- A witness or party may be ordered to attend and testify, or account before the auditor.—*Hammond v. Hammond*, 310.
- Where it becomes necessary to have the plaintiff's *prochein ami* examined as a witness, he may be discharged, and another appointed in his place.—*Helms v. Franciscus*, 550.