

COURSE OF NATURE.—*Continued.*

2. A man may have an estate of inheritance in land so long as such a tree shall grow. *Ib.*
3. Assuming that the concentric layers in the trunk of a tree indicate its age; and then assuming, that trees, in general, do enlarge by a succession of annual concentric layers of a certain thickness, the ages of other trees similarly situated may be thus ascertained. But there being no proof, that the number of concentric layers in the trunk of a tree do correspond with the years of its age, as otherwise authenticated, the hypothesis, that the formation of each one of such concentric layers is evidence of the lapse of a year, cannot be judicially received as evidence for any purpose. *Ib.*

DAMAGES.

See CONDEMNATION OF LAND, 2, 3.

DEBTOR AND CREDITOR.

1. A creditor is not bound to use active diligence against his debtor. *Tessier v. Wyse*, 18.
2. The plaintiff in a creditor's suit is not bound to allege and shew, that he had used any degree of active diligence, or that the personal estate of his deceased debtor was insufficient to pay his debts in order to have his real estate sold for that purpose. *Ib.*
3. The sufficiency of the personal estate of the deceased to pay his debts, giving that ground of equity upon which the realty is saved for the benefit of the heir or devisee, it is with him alone to allege and shew that fact. *Ib.*
4. The liability of heirs as terre-tenants, and the equity between them as to contribution. *Ib.*
5. Where the obligor binds himself and his heirs, the land descended is liable in the hands of the heir; but if there be personal estate, and the heir pays the debt, he may be reimbursed from such personalty, upon the ground of its being the primary and natural fund for the payment of debts. *Ib.*
6. The cases in which the parol shall demur during the infancy of a party. *Ib.*
7. In a creditor's suit, by a bond creditor, independently of any statutory provision, the personal estate was always first applied, as far as it would go, to save the realty; and the statute making lands liable to be taken in execution and sold for the payment of debts, has made no alteration as to any creditors in that respect: although it has been so construed as to allow simple contract creditors to obtain payment from the realty in no other way than by a creditor's suit in equity. *Ib.*
8. The Act of Assembly which authorizes the sale of land, with the consent of the guardian of the infant, does nothing more than, so far, to qualify the infant's privilege to have the parol to demur. *Ib.*
9. The several Acts of Assembly relative to the mode of proceeding by or against an infant, where a suit at law abates by death; and relative to the administration of assets, have made no alteration in the law as to the rights of creditors, or as to the mode of proceeding in a creditor's suit. *Ib.*
10. The only material alteration of the pre-existing law made by the Act of Assembly in relation to the sale of real estate descended or