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ACCOUNT.

On a proper bill to account, in a case where there are mutual dealings, after a decree to account, both parties are actors; and, as the balance is shown, there may be a decree against either.—Colegate D. Owings' case, 404; Moreton v. Harrison, 499.

ACTS OF ASSEMBLY.

Where a mode of proceeding is prescribed by an act of Assembly, it must be pursued so far as it goes; and may, if practicable, be followed out according to the course of the court to which the application is made: but if it cannot be so executed, such court has no jurisdiction; and if it cannot be so executed by any other court, then it must remain inoperative.—Hughes' case, 46.

On a bill to obtain a legal title according to a bond of conveyance, the defendant was ordered to procure the passage of an act of Assembly to confirm the conveyance.—Rawlings v. Carroll, 75.

An act of Assembly cannot be disregarded or considered as having been virtually repealed because of long disuse.—Snowden v. Snowden, 555.

The causes and inconvenience of temporary acts of Assembly.—Chancellor's case, 646.

An act which gives a judicial salary, remains in force during the continuance of the commission of the then chancellor and judges, although the act itself be limited to a shorter duration.—*Ib.* 663.

Where a latter act, which is limited in its duration, virtually repeals a prior act, such prior act does not revive after the latter act is spent.—*Ib.* 664.

A constructive revival cannot operate on any part of an act which has been expressly altered.—*Id.* *ib.*

AFFIDAVIT.

It is enough that an affidavit to an answer is so positive, that, if false, the party may be prosecuted for perjury.—Coale v. Chase, 137.

AGREEMENT.

A agrees to pay B \$6000 on a specified day, on B's executing an assignment to C, and delivering it to A. *Held*, that if A waives the right to have the writing delivered to himself, or fails to insist upon it as a condition precedent, he thereby at once becomes the debtor of B.—Chase v. Manhardt, 339.

D agreed to pay C for certain lands in choses in action, for the eventual sufficiency of which D was to be responsible. *Held*, he was to warrant, that with due diligence by C, their net proceeds should produce the whole amount of the purchase money.—Dorsey v. Campbell, 357; Hoffman v. Johnson, 166. And, that D might, within a reasonable time, assign to C choses in action for that purpose; but that D, by bringing suit, had waived the privilege of making any further assignments, 358.

The mother of C. D. O. promised her husband, a short time before his death, that she would give all her property to their daughter C. D. O.; in consequence of which he made his will, leaving C. D. O. a family Bible and a spinning-wheel as a token of his affection, it being his desire and expectation, that her mother would provide for her, she having it fully in her power to do so. *Held*, that the mother was bound to give C. D. O. an estate of inheritance in her property, to take effect on her death.—Colegate D. Owings' case, 397, 402.

Such a promise or agreement is not within the statute of frauds, 402.

ALIMONY.

Cruel and violent treatment a sufficient ground for awarding to the wife alimony according to the circumstances of the husband.—Hewitt v. Hewitt, 101; Codd v. Codd, *ib.*

The payment as it falls due may be enforced on petition by an order *nisi* and a *fiat facias*, 102.

A sum ordered to be paid monthly by the husband to the wife pending the suit for alimony.—Sarah Wright's case, 101.

ANSWER.

A defendant may on motion obtain further time to answer.—Carroll v. Parran, 125.

The allegations in the body of the answer should be positive.—Coale v. Chase, 137.

The answer of an administrator must always be taken with a view to the reasons for his belief.—Tong v. Oliver, 199.

If an executor or administrator answers to the extent of his belief, in relation to facts evidently not within his own knowledge, it may be a sufficient denial to have an injunction dissolved.—Coale v. Chase, 137.

It is enough that an affidavit to an answer is so positive, that if false the party may