

he may sell as he can, 144; *Mackubin v. Brown*, 415.

He cannot give notice to creditors without an order from the court.—*Gibson's case*, 144.

Commissions to trustees are regulated by act of Assembly and by rule of court, 145—147.

A trustee may employ an auctioneer to whom a fee of five dollars may be allowed for each separate sale, 147.

The commissions of a trustee may be increased, diminished, apportioned, or withheld according to circumstances, 147; *Millar v. Baker*, 149.

If a trustee fails to bring in or account for the money, bond, or notes, he may be charged with the whole amount of the sales.—*Mackubin v. Brown*, 416.

Bonds and notes may be assigned to the parties in satisfaction of their claims, but it is most usual to suffer the trustee to hold them for collection, 416.

By holding the trustee liable the court neither parts with any lien, nor exonerates any one else, 417.

A delinquent trustee cannot be let in to have the benefit of a discount as against any claimant in the case, 417.

Where a report of the auditor has been affirmed, and the trustee directed to distribute the proceeds accordingly, he must distribute the amount in hand according to that proportion, and the residue in the same way as received.—*Iglehart v. Armiger*, 521.

A trustee and his surety may be called on to bring the money into court or show cause.—*Mullikin v. Mullikin*, 539.

#### VENDOR AND VENDEE.

Land sold in a body, by a designated name, or by the acre, there can be no claim for deficiency.—*Hoffman v. Johnson*, 109; *Murdoch v. Beal*, 109.

But it is otherwise if it be sold by the tract containing so many acres more or less, 109.

To every grant of land from the State there is an implied warranty to make up the specified quantity to the holder, 110.

A holder of the legal title may by a warrant of resurvey take in any contiguous vacancy, 110.

A vendee has a right to, and is bound to take all incidents to the land he purchases, and therefore must take land which the vendor has included by a warrant of resurvey.—*Hoffman v. Johnson*, 110.

Land devised to be sold was sold by the executor under an apprehension, that he was authorized to do so, the sale was affirmed.—*Ex parte Margaret Black*, 142.

After a bill filed, if the purchaser, being in possession, exercises acts of owner-

ship, he may be compelled to bring the purchase money into court.—*McKim v. Thompson*, 161.

A purchaser has a right to demand a sound legal title, unless it has been otherwise distinctly understood at the time of the purchase.—*Stewart v. Barry*, 192.

To ascertain the true nature and meaning of a contract the court may look into all the contemporaneous dealings and agreements between the parties.—*Hannah K. Chase's case*, 225.

The forms by which a *feme covert* of full age may legally convey her right to real estate or bar her right to dower, 228.

The origin and objects of recording conveyances for land, 230, note.

The usual receipt for the purchase money on a deed for land is evidence of the lowest order.—*Lingan v. Henderson*, 249.

#### WASTE.

A mortgagee in possession may be charged with, and made to account for waste.—*Rawlings v. Stewart*, 22.

On a bill for specific performance the defendant being unable to make a valid title was perpetually enjoined from recovering the purchase money, and the plaintiff ordered to account for waste beyond what might have been proper in the use of the land.—*Rawlings v. Carroll*, 76.

The difference between waste and trespass.—*Duvall v. Waters*, 571.

An injunction may be granted here to stay waste in any case in which it would be allowed by the English law, 576.

The nature and office of a writ of estrepement, 573.

The writ of prohibition to stay waste, 572.

Where waste has actually been committed the plaintiff under an injunction bill may have an account of waste, 577.

There is no common law mode of preventing a threatened trespass, 573.

#### WITNESSES.

A summons for witnesses to depose before commissioners to take evidence must be served by the sheriff if required, upon which their attendance may be enforced by attachment.—*Bryson v. Petty*, 182.

The policy of the law does not permit a solicitor to divulge the secrets of his client without his consent.—*Hannah K. Chase's case*, 222; *Hodges v. Mullikin*, 509.

A commission may be granted to take the deposition *de bene esse* of an aged and infirm witness.—*Lingan v. Henderson*, 238; *Rymer v. Dulany*, 238.

A witness may be compelled to attend and give evidence under a commission sent here from another State.—*Gibson v. Tilton*, 354.