

claims not objected to.—*Watkins v. Worthington*, 515.

## BANKS.

That clause in the charter of the Farmers' Bank of Maryland, which declares, that debts due by a stockholder must be paid before a transfer, gives to the bank a mortgage or pledge.—The Farmers' Bank of Maryland's case, 394.

The mortgagee of bank stock, may sell without suit, 397.

A decree that such stock be sold, and that it be transferred by the trustee to the purchaser, 398.

## BASTARDS.

Although as to their property, bastards have no relations who can take by descent or distribution; yet, for moral purposes, their consanguine relations are regarded.—*Helms v. Franciscus*, 582.

Bastards may inherit, or take as heirs or next of kin from their mother, 582.

A man cannot be bastardized after the death of his parents, so as to deprive him of his then legitimate capacity.—*Campbell's case*, 236.

## BILL.

A plaintiff must state in his bill, such facts as are necessary to entitle him to relief; and also shew why he may ask that relief of a court of equity.—*Townshend v. Duncan*, 45.

Where an infant takes as devisee, it is not necessary to alledge in the bill that he received the rents and profits, in order to charge him; because it is the duty of his guardian to take care of his estate, 45.

Several infants may join in the same bill for an account of the rents and profits of their estate.—*Woodward v. Chapman*, 68.

The bill assumes two propositions; first, that the subject is within the jurisdiction of the court; and second, that all parties entitled to relief, or against whom it may be granted, are before the court; a defect in these particulars may be shewn at any time.—*Binney's case*, 104.

## BOND.

Bonds taken by a trustee under a decree, may be ordered to be assigned to those who are entitled to so much of the proceeds.—*Ex parte Boone*, 321; *McMullin v. Burris*, 357.

A bond taken by a creditor of an heir, will not operate as a relinquishment of such creditor's preference, as against the estate descended.—*Hindman v. Clayton*, 342.

An appeal bond, on the decree being affirmed, becomes thereby an additional security for the debt.—*Andrews v. Scotton*, 669.

## CANAL.

Water gushing from the sides of a canal, because of its improper structure, no evidence of its surplus water.—*Binney's case*, 138.

Canal stock considered as real estate, and although declared to be personality, must be governed by the law of the state, like the land on which it is founded, 146.

The termination of a canal, to be ascertained by reference to its nature and object, 155.

Canal navigation, as distinguished from improved river navigation, 158.

The different kinds of canals in reference to their objects, 159.

Canals intended to contribute to the marine commerce of the nation, must terminate in a port, 162, 165.

## CAPACITY.

Where the legal capacities of parties as charged, are different, such capacities must be considered as if they were different persons.—*Binney's case*, 108; *Tilly v. Tilly*, 445.

The several kinds of personal incapacity to contract.—*Corrie's case*, 490.

## CAVEAT.

In caveat cases, there being no appeal, it is usual, where there is a reasonable doubt, to let the patent go, so as thereby in effect, to give the benefit of an appeal.—*The Rail Road v. Hoye*, 263.

## COMMISSIONS.

The commissions allowed to a trustee, not to be lessened on account of that for which he had been charged with compound interest.—*Winder v. Dufferfer*, 207.

As the commissions allowed to an executor or administrator, are intended to cover expenses, he cannot be allowed full commissions, and a fee to lawyers also.—*Tyson v. Hollingsworth*, 332.

A proportion of interest given on the commissions allowed to the trustee who made the sale, 333; *Brown v. Wallace*, 590, 591.

Commissions allowed by the Orphans Court, in cases properly before it, cannot be reversed by this court.—*Jones v. Stockett*, 416.

Commissions adjusted and allowed, as between a former and a present trustee.—*Andrews v. Scotton*, 672.

## CONSTITUTION.

The sovereignty being in the people, our