

government is limited, as well by its delegated nature, as by special constitutional restrictions.—*Campbell's case*, 231.

The general assembly can constitutionally pass no law in violation of either its general or special limitations, 232.

An act of assembly may be declared void on the ground of its absurdity, apart from any constitutional objection, 231.

No fact can be assumed by the legislature, to the prejudice of the rights of an individual, 230.—*Worthington v. Lee*, 686, note.

Property cannot by a legislative enactment, or in any form, be taken from one man and given to another.—*Waring v. Waring*, 676.

CORPORATIONS.

A corporation can only be called on to answer by its proper name.—*Binney's case*, 106.

Where the legal capacities of parties, as charged, are different, such capacities must be considered as if they were different persons, 108.

All corporations are subject to a visitatorial power, or to some legal control, 141, 142.

In general, a corporation may alien all or any of its property at pleasure, 141.

Stock held by the state, subject to the same law as that of an individual corporation, 142.

The disposition of property, not for corporate purposes, may be prohibited, 142.

A corporation may be formed by the concurrent acts of several governments; but its real estate can only be dealt with by the judicial authority of the state in which it lies, 144, 149.

A corporation may be created here, with a view to foreign operations, 147.

A foreign corporation may be noticed, and may sue here in the state courts, 147.

But the jurisdiction delegated to the federal courts, being confined to *states and citizens*, it is doubtful whether any corporation can sue in them, 147.

COSTS.

In a creditor's suit, the costs and expenses are always first paid.—*Hammond v. Hammond*, 385; *Orchard v. Smith*, 319.

In a creditor's suit, the costs incurred by the contestation of a particular claim, not to be taxed to the prejudice of other creditors.—*Hammond v. Hammond*, 388.

CREDITOR'S SUIT.

The various cases in which a creditor's suit may be sustained.—*Hammond v.*

Hammond, 316; *Campbell's case*, 209; *Addison v. Bowie*, 622; *Waring v. Waring*, 673.

A creditor who has no common interest with other creditors, cannot sustain a creditor's suit.—*Ellicott v. Welch*, 245; *Hammond v. Hammond*, 344; *Andrews v. Scotton*, 660.

A creditor's suit may be engrafted upon a different suit then pending.—*Hammond v. Hammond*, 346.

A creditor's suit may be sustained by a surety, to save himself harmless.—*Ellicott v. Welch*, 245.

Who may or must be made parties to a creditor's suit.—*Hammond v. Hammond*, 347, 349.

The form and necessary allegations of a creditor's bill, 349.—*Anderson v. Anderson*, 387.

On the establishment of the whole, or a part of any one claim, and on the insufficiency of the personality being shewn, there may be a decree for a sale of the realty.—*Hammond v. Hammond*, 359; *Chamberlain v. Brown*, 221; *Boucher v. Bradford*, 222; *Kilty v. Brown*, 223; *Hindman v. Clayton*, 337; *Tyson v. Hollingsworth*, 329.

The decree for a sale, virtually establishes the plaintiff's claim, and the insufficiency of the personalty, unless otherwise expressly declared; except as regards fraud, &c. not then in issue. *Hammond v. Hammond*, 359; *Welch v. Stewart*, 37; *The State v. Brookes*, 42.

The plaintiff cannot be permitted to split up and multiply his causes of suit; if he does, they will be rejected without prejudice.—*Welch v. Stewart*, 37.

The statute of limitations continues to run until the creditor actually comes in, 37.

No one can have the benefit of the statute, after doing that which implies an abandonment of such a defence, 37.

The controverted claims have a share assigned them in the auditor's distribution, so that it may be confirmed as to those not contested, allowing them at once to obtain so much as they are thus admitted to be entitled to.—*The State v. Brookes*, 44; *Tyson v. Hollingsworth*, 335; *Pattison v. Frazier*, 381.

Lapse of time relied as a bar to a claim brought in under a creditor's bill.—*Welch v. Stewart*, 41; *The State v. Brookes*, 43.

An infant bound by his answer by guardian *ad litem*, in a creditor's suit.—*Hammond v. Hammond*, 352; *Bond v. Bond*, 353; *Mildred v. Neill*, 354; *Hindman v. Clayton*, 337; *Flemming v. Castle*, 355; *Ewing v. Ennals*, 356; *Sprigg v. Magruder*, 356; *McMullin v. Burris*, 357.