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OF THE

PRINCIPAL MATTERS.

ACCOUNT.

If one stockholder of a corporation sells out to the others for what the stock is worth on examination, he is entitled to have an account with the company. *Hager v. Thomson et al.*, 80.

If he is defrauded in the account, equity will relieve him. *Ib.*

But he must prove the fraud. *Ib.*

Where an account is settled by the parties without fraud or mistake it is conclusive. *Ib.*

ADMIRALTY.

To what cases the admiralty jurisdiction of the Federal Courts extends. *Propeller Commerce*, 574.

The true test of such jurisdiction. *Ib.*

Where the suit is *in rem* for a marine tort, it may be prosecuted in any district where the offending thing is found. *Ib.*

This court will not reverse a decree in admiralty for a supposed mistake of fact, unless the mistake be clear. *Ship Marcellus*, 414.

Admiralty jurisdiction is given to the Federal courts by the Constitution. *Steamer St. Lawrence*, 522.

It cannot be enlarged by the States nor by Congress. *Ib.*

But Congress may prescribe the forms of carrying it out. *Ib.*

See *Salvage, Collision, Maritime Lien, Carrier, Damages, Freight and Cargo, Practice*.

AGENT AND PRINCIPAL.

The mercantile partners of an agent employed alone are not partners in the agency. *Law v. Cross*, 533.

Principal is bound by agent's acts unless he repudiate them promptly. *Ib.*

One agent cannot repudiate the act of another without the special direction of the principal. *Ib.*

A general agency to transact all manner of business does not authorize the sale of the principal's property. *Hodge v. Combs*, 192.

A person claiming to have bought under such an agency must at least show that he bought in good faith and paid a full price. *Ib.*

ATTACHMENT.

Goods attached are in the custody of the law. *Stiles v. Davis et al.*, 101.

Goods attached in the hands of a carrier cannot be delivered to the consignee. *Ib.*

Even though attached for the debt of a third party. *Ib.*

The court having jurisdiction of the attachment suit must settle the question. *Ib.*

If the consignee has title, his remedy is not against the carrier, but the officer or the plaintiff in the attachment. *Ib.*

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What delay in presenting it will not discharge the drawer. *O'Brien v. Smith*, 99.

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Bill of lading *prima facie* evidence of good order, but not conclusive. *Nelson v. Woodruff*, 156.

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Shipper takes the risk of hog's lard leaking on a long voyage in hot weather. *Ib.*

A ship receiving and carrying a cargo and claiming freight cannot deny her liability to deliver in like good order. *The Water Witch*, 494.

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In what case cargo is to be carried under deck. *Ib.*

See *Attachment, Freight*.

CALIFORNIA CLAIMS.

See *Land Law*.

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Where land is divided among many occupants and numerous suits are threatened, a bill in equity will lie to quiet the title. *Crews v. Burcham*, 352.

COLLISION.

A steamer is responsible for injuries caused by her carelessness to a barge in tow. *Steamer New Philadelphia*, 62.

If the barge is in danger of striking a schooner, which puts out a fender, and thus injures the barge, the fault is not in the schooner. *Ib.*

If it were, the steamer would still be responsible. *Ib.*

The owner of injured property may seek compensation from either of two wrong-doers. *Ib.*

CONSTITUTIONAL LAW.

Decision of State courts not binding on this court in a question of constitutional law. *Jefferson Branch Bank v. Skelly*, 436.

A bank charter paid for is a contract within the meaning of the Constitution. *Ib.*

A bank cannot be taxed if the charter stipulates the contrary. *Ib.*

A State may agree not to exercise the taxing power with respect to a particular subject. *Ib.*

CONSTITUTIONAL LAW *Continued.*)

The authority to establish ferries is not given to the General Government, but is reserved to the States. *Conway v. Taylor's Executor*, 603.

The admiralty jurisdiction of the Federal courts is given by the Constitution, and cannot be either enlarged or diminished. *Steamer St. Lawrence*, 522.

But Congress may prescribe the mode of executing it. *Ib.*

CONTRACT.

Construction of a contract to take merchantable logs at a certain price. *Leonard v. Davis*, 476.

What sort of delivery of floating logs sufficient to pass title. *Ib.*

When actual payment and delivery is not necessary to consummate sale as between parties. *Ib.*

When price must be tendered before vendee is entitled to goods, and when not. *Ib.*

See *Deed, Covenant*.

CORPORATION.

Can exist only within the bounds of the State which created it. *Ohio and Mississippi Railroad Co. v. Wheeler*, 256.

Is not a citizen. *Ib.*

But if all its members are citizens of one State it may maintain a suit in the Federal Courts against the citizen of another State. *Ib.*

The presumption is that all the members of a corporation are citizens of the State which created it. *Ib.*

No averment to the contrary will be heard for the purpose of withdrawing the suit from the jurisdiction of the court. *Ib.*

A corporation chartered by two States cannot have the same legal being in both; they are separate corporations. *Ib.*

Being separate, they cannot unite to sue a citizen of either State. *Ib.*

Liability of a municipal corporation to repair a bridge under its control. *Weightman v. Corporation of Washington*, 39.

Responsibility of the corporation for injuries caused by its neglect to discharge this duty. *Ib.*

Construction of charter strictly against corporation. *Jefferson Branch Bank v. Skelly*, 436.

The 60th section of Ohio State Bank charter is a contract which limits the power of the State Legislature to tax that bank and its branches. *Ib.*

Power of a State to make shareholders of a bank individually responsible for its debts. *Sherman v. Smith*, 587.

COVENANT.

Will not be construed as several, though parties have several interests, if the words make it expressly joint. *Farni v. Tesson*, 309.

When covenants are mutual and reciprocal. *Washington v. Ogden*, 450.

Construction of a vendor's covenant that he will make a deed. *Ib.*

Construction of a deed in which a father covenanted to secure a certain sum to his daughter as soon as it should be ascertained how much would be secured to her from another source. *Rogers v. Law*, 253.

CRIMINAL LAW.

Writ of prohibition does not lie in a criminal case from this court to a Circuit Court. *Ex parte Gordon*.

Nor a writ of error, nor a *certiorari*. *Ib*.

A criminal case can come here only on certificate of division. *Ib*.

A party has no right to ask such a certificate. *Ib*.

After conviction and warrant of execution, neither the Circuit Court nor this court can stop the execution. *Ib*.

What is necessary to give jurisdiction to a Circuit Court of a criminal offence not committed within its district. *United States v. Jackalow*, 484.

Not sufficient that the party was first apprehended in the district. *Ib*.

It must appear, also, that the offence was not committed within the jurisdiction of a State, nor within any other district of United States. *Ib*.

DAMAGES.

A claim for damages to a cargo cannot be split up, and applied part to the freight and a decree for the balance. *The Water Witch*, 494.

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Construction of a deed by which a father covenanted to secure a certain sum to his daughter as soon as it should be ascertained how much would be secured to her from another source. *Rogers v. Law*, 253.

Construction of a vendor's covenant that he will make a deed. *Washington v. Ogden*, 450.

DEPUTY.

In what case an officer's duty may be performed by deputy. *Leonard v. Davis*, 476.

DESCENT AND SUCCESSION.

Terms of kindred in a statute mean only those which are legitimate. *McCocle v. Smith*, 459.

Next of kin, in an Illinois statute, is to be understood according to the common law meaning. *Ib*.

EJECTMENT.

In ejectment, it is for the jury to say whether land in dispute is within plaintiff's survey. *Bates v. Illinois Central Railroad Company*, 204.

When the boundary is a river, the jury are bound to find it where the survey and field-notes have designated it, though in fact the principal channel was elsewhere. *Ib*.

For the purposes of survey and sale, the public had a right to fix the place of the river, and the grantee cannot contradict it. *Ib*.

In a suit for land covered with water, this court will decide nothing until the plaintiff proves his title to the land before it was swept away. *Ib*.

The plaintiff must recover, if at all, upon the title he had when the suit commenced. *Pindell v. Mullikin*, 585.

In Missouri, prior equitable title bars a suit at law on a patent. *O'Brien v. Perry*, 132.

ERROR.

It is error to submit a hypothetical case to the jury. *Bryan v. United States*, 140.

ERROR, (*Continued.*)

The discretion of the judge who presides at the trial must regulate and limit the cross-examination of witnesses. *Johnston v. Jones*, 209.

So, also, as to the time and order of introducing evidence. *Ib.*

Where a plaintiff suing for accretions does not show that he is entitled to them, this court will not notice an error concerning the mode of dividing them. *Ib.*

A writ of error does not lie in a criminal case from this court to a Circuit Court. *Ex Parte Gordon*, 503.

Judge of the Circuit may disregard written points if his charge be full and accurate. *Law v. Cross*, 533.

ESTOPPEL.

A ship receiving and carrying a cargo, and claiming freight, cannot deny her liability to deliver in good order. *The Water Witch*, 494.

A contract to enter lands on false proofs is illegal and void, and will not operate between the parties by way of estoppel. *Harkness v. Underhill*, 316.

Where a bankrupt contested with his assignee the right to a fund and it was decided in favor of the assignee, it cannot afterwards be litigated. *Clark v. Hackett*, 77.

A party sued for repairs to a vessel cannot deny that he is owner if the vessel has been sold and he took the price of her. *Flanigan v. Turner*, 491.

The city of Carondelet is estopped to claim lands, as confirmed to her by the act of 1812, outside of an American survey under which she has previously claimed. *Carondelet v. St. Louis*, 179.

But a St. Louis villager is not bound by the survey and map of the Surveyor General which was made in 1840, and which excluded his land. *Glasgow v. Hortiz*, 595.

EVIDENCE.

Maps, surveys, and plats, must be authenticated before they are received. *Johnston v. Jones*, 209.

A deed dated after suit brought cannot be given in evidence to show that a plaintiff suing for accretions had a water front. *Ib.*

A witness's calculation, founded on a map not authenticated, is inadmissible. *Ib.*

Federal courts are governed by the rules of evidence of the State where they sit. *Vance v. Campbell*, 427; *Haussknecht v. Claypool*, 432.

In what circumstances the letter of a third party may be given in evidence as *res gestæ*. *Law v. Cross*, 538.

In a suit for the infringement of a patent right evidence of the pre-existence of the improvement claimed by the plaintiff may be given by defendant without notice. *Vance v. Campbell*, 427.

The discretion of the judge who presides at the trial must regulate and limit the cross-examination of witnesses. *Johnston v. Jones*, 209.

So, also, as to the time and order of introducing evidence. *Ib.*

In admiralty, objection to a witness must be made at hearing. *Nelson v. Woodruff*, 156.

What objections cannot be made to a deposition where the opposing proctor knew it was taken. *Ib.*

EXCEPTION.

What is necessary to make a good exception to a master's report and what it brings up. *Goddard v. Foster*, 506.

FERRIES.

The law of ferries on the Ohio river between the States of Kentucky and Ohio. *Conway v. Taylor's Executor*, 603.

FINAL DECREE.

After a cause has been decided here a motion to change the decree will not be heard. *United States v. Knight's Administrator*, 488.

New evidence offered here will not in any case influence the judgment of the court. *Ib.*

The court may open a judgment during the term for reasons arising out of the record. *Ib.*

What is a final decree of the Circuit Court from which an appeal lies. *Wabash and Erie Canal v. Beers*, 54.

FREIGHT AND CARGO.

Vessel with a perishable cargo not liable for the consequences of unavoidable delay. *The Collenberg*, 170.

Unless master or crew have misbehaved. *Ib.*

What is blameless conduct in the master. *Ib.*

The ship-owner's claim for freight on so much of a perishable cargo as was delivered cannot be defeated by showing that another part had perished, and was necessarily left behind. *Ib.*

FRENCH AND SPANISH CLAIMS.

See *Land Law*.

INDIAN TREATY.

Reservation in a treaty of land to an individual gives the reservee a transferable interest. *Crews v. Burcham*, 352.

And this before the land reserved is selected or patented. *Ib.*

If the reservee sells and dies before patent, the patent afterwards issued will enure to the benefit of his grantee. *Ib.*

The grantee of his heir under a deed dated after the patent takes nothing. *Ib.*

See *Jurisdiction*.

JURISDICTION.

This court cannot review a case from a State court merely because one of the parties is a State corporation. *Attorney General v. Meeting-House*, 262.

It must appear that the validity of the charter was drawn in question. *Ib.*

The validity of the charter is not drawn in question by the assertion of the defendants that they claimed the property before the charter, and since. *Ib.*

Where the charter is a mere enabling act for parties in possession, and others claim to be the true owners, the issue is on the original rights of the parties. *Ib.*

This court has no jurisdiction to review a State court which decided that an Indian's title under a treaty was good, when neither the Indian himself, nor any person claiming under him, was party to the suit. *Verden v. Coleman*, 472.

JURISDICTION, (*Continued.*)

Where a decision made by the Secretary of the Interior is sustained by a State court, writ of error lies from this court. *Magwire v. Tyler*, 195.

So where the State court decided that a survey in pursuance of a Federal statute estopped one of the parties. *Carondelet v. St. Louis*, 179.

A question of jurisdiction sent here on certificate of division must be determined before any other point. *Silliman v. Hudson River Bridge Company*, 582.

The judgment of a State court cannot be reviewed here unless upon a point distinctly taken in the State court. *Hoyt v. Sheldon*, 518; *Farney v. Towle*, 350.

LAND LAW (*of United States.*)

Fraudulent entry may be set aside by Commissioner of General Land Office. *Harkness v. Underhill*, 316.

A contract to enter lands on false proofs of occupancy is illegal and void, and will not operate between the parties by way of estoppel. *Ib.*

LAND LAW, (*California Claims.*)

The Sutter general title is void and illegal. *United States v. Hensley*, 35.

A naked grant is invalid. *United States v. Neleigh*, 298.

Proof that archives are destroyed will not avail unless it be specific that claimant's papers were lost. *Ib.*

Mexican officers will not be heard to contradict or supply records. *Ib.*

The theory that records were lost to such an extent as to excuse the want of record proof is altogether fabulous. *Ib.*

A grant not recorded, without an *espediente*, and not among the forty five confirmed in June, 1846, is not genuine, though a secretary swears to it. *Ib.*

A grant dated 10th of July, 1846, being after the conquest, is invalid. *United States v. Wilson*, 267.

A claim derived from an Indian, to whom a lot was assigned near a mission, is good, if it be shown that the grantee lived on it a long time. *Ib.*

The decree of the Spanish Cortes for the disposition of Crown lands not in force after the independence of Mexico. *United States v. Vallejo*, 541.

The law of 1824 and regulations of 1828 repealed the previous system. *Ib.*
These latter laws were the only system of colonization in force after their date. *Ib.*

A grant not registered is contrary to the practice of every well-regulated Government. *Ib.*

A false note of the attesting Secretary that it was registered is against the authenticity of the grant. *Ib.*

A confirmation is binding on the United States and on the assignees of the original grantee. *United States v. Covilland*, 339.

When the survey is executed the assignee may intervene. *Ib.*

When patent is issued, the assignee may assert his right in the ordinary tribunals. *Ib.*

But not by a proceeding under the act of 1851. *Ib.*

A Mexican grant confirmed is a legal title, and cannot be opposed by another Mexican title unconfirmed. *Singleton v. Touchard*, 342.

LAND LAW, *California Claims, (Continued.)*

A good title confirmed though the claim be prosecuted in the name of one who has a deed older than the grant. *United States v. Vallejo*, 283.

What is a complete espediente under Mexican law. *United States v. Knight's Administrator*, 227.

An order of reference and informé will not be presumed unless it appears on the record. *Ib.*

If there was an informé in another petition for same land, the recital in the grant will be referred to that. *Ib.*

If the informé was altered, the inference is that the grant was made after the alteration. *Ib.*

Hartnell's Index of 1847 and '48 not a record. *Ib.*

Loose papers found in Surveyor General's office, not numbered, indexed, or filed by Mexican authority, are no evidence that grant was recorded. *Ib.*

Without record evidence claim cannot be confirmed. *Ib.*

If it could, claimant would still be obliged to produce grant, and would not be permitted to prove it by parol without showing its existence and loss. *Ib.*

Secondary evidence is worthless, unless it shows that the grant was legally made and recorded. *Ib.*

Proof that a book is lost will not avail a claimant without evidence that his grant was on the lost record. *Ib.*

See *Mandamus*.

LAND LAW, *(French and Spanish claims under Louisiana treaty.)*

A patent of a quarter section subject to French claims is not good as against a French claimant whose survey and patent were in time. *Gregg v. Tesson*, 150.

But if the patentee of the quarter section was in possession of part, and claimed the whole for seven years, and the French claimant was not in possession at all, the statute of limitations is a protection. *Ib.*

What is a housekeeper under the law of 1832 giving pre-emption to claimants from France and Spain. *O'Brien v. Perry*, 132.

In an undetermined claim housekeeping was unnecessary. *Ib.*

If entry legally made by French claimant, cancellation of it is void. *Ib.*

The act of 1812 confirmed certain lands to certain villages, but reserved to the United States the right to define the boundary by a survey. *Carondelet v. St. Louis*, 179.

A Spanish survey marking only one line amounts to nothing. *Ib.*

A subsequent survey under American authority was binding, though it did not follow the line made by the Spanish officer. *Ib.*

If the grantees accept the latter survey and hold under it, they are estopped to claim beyond it. *Ib.*

Power of Commissioner of General Land Office over surveys of Spanish titles in Upper Louisiana. *Magwire v. Tyler*, 195.

Power of Secretary of Interior. *Ib.*

Secretary may lawfully set aside such survey. *Ib.*

The act of 1812 was a present operative grant to the villagers of St. Louis and others. *Glasgow v. Hortiz*, 595.

The map of 1840, by the Surveyor General, is not binding on them. *Ib.*

LAW AND FACT.

The *locus in quo* of a criminal offence is matter of fact for the jury. *United States v. Jackalow*, 484; *Franklin Branch Bank v. Ohio*, 474.

A special verdict set aside for not finding the *locus*. *Ib.*

The customary meaning of a word is matter of fact for the jury. *Law v. Cross*, 533.

Whether the evidence in an equity suit is sufficient to sustain an averment in the pleadings is a question not of law but of fact, and cannot therefore be brought up on certificate of division. *Silliman v. Hudson River Bridge Company*, 582.

LEGISLATIVE GRANT.

When it may be repealed and when not. *Rice v. Railroad Company*, 358.

What words vest title *in presenti*. *Ib.*

Common law rules of interpretation to be applied to Federal or State statutes. *Ib.*

Legislative grants not warranties. *Ib.*

Grants of privileges to a corporation must be construed strictly against the grantee. *Ib.*

LIMITATIONS, (STATUTE.)

If descent be cast on a married woman, limitation runs against the husband immediately, and the grantee of husband and wife cannot recover after it expires. *Gregg v. Tesson*, 150.

MANDAMUS.

Will not be awarded for the intervention of one Mexican claimant in the proceeding of another. *White's Administrator v. United States*, 501.

MARITIME LIEN.

The right of a shipowner to freight and his lien for it on the cargo depends on the bill of lading. *Bags of Linseed*, 108.

Lien for freight is lost by delivery of the goods. *Ib.*

Unless there be an understanding that the lien is to continue. *Ib.*

But the fact of such understanding must appear, or be plainly inferable from the custom of the port. *Ib.*

Lien for supplies not waived by the acceptance of the owner's note, if it was agreed that lien should continue. *Steamer St. Lawrence*, 522.

MASTER'S REPORT.

What is necessary to make a good exception, and what it brings up. *Goddard v. Foster*, 506.

NOTICE.

A purchaser has notice of an adverse title if it be recorded, and the person claiming under it is in possession. *Crews v. Burcham*, 352.

PARTNERSHIP.

An association to buy and sell lands is a partnership. *Clagett v. Kilbourne*, 346.

What rights a separate creditor of one member of such an association has against the common property. *Ib.*

A bond given for the release of partnership goods attached on mesne process must be paid by the sureties, though judgment be recovered against only one of the partners. *Inbusch v. Farwell*, 566.

PARTNERSHIP, (*Continued.*)

The sureties have recourse for indemnity against all the partners. *Ib.*

A judgment for a partnership debt against only one partner is payable out of the partnership effects before an individual debt. *Ib.*

What expenses are to be deducted from the common funds. *Goddard v. Foster*, 506.

Where one of several partners is employed as agent the others are not partners in the business of the agency, and need not join in a suit against the principal. *Law v. Cross*, 533.

PATENT RIGHT.

The surrender of a patent extinguishes it. *Moffitt v. Garr*, 273.

Suits brought for the infringement fall with the surrender. *Ib.*

But moneys paid cannot be recovered back. *Ib.*

A combination of elements must be proved as an entirety. *Vance v. Campbell*, 427.

Construction of the 9th section of the act of 1837, and where it applies. *Ib.*

Evidence of the pre-existence of the invention may be given without notice. *Ib.*

PLEADING.

On a joint bond all the obligees must sue, if alive. *Farni v. Tesson*, 309.

But suit may be brought by survivors, if the death of one or more be suggested. *Ib.*

Where the condition of a joint bond be not for the joint benefit of all, still all the legal obligees must sue. *Ib.*

The non-joinder of a joint obligee is not cured by averring that it is done to give the Federal court jurisdiction. *Farni v. Tesson*, 309.

Objection may be made to non-joinder of plaintiff by demurrer on general issue, or on motion in arrest of judgment. *Ib.*

Property a good plea in replevin. *Dermott v. Wallach*, 96.

A plea merely denying the property of the plaintiff is good in substance. *Ib.*

The omission of a similiter is not fatal. *Ib.*

If the plea of property be in, but not tried, judgment will be reversed. *Ib.*

An omission to join issue upon an avowry for rent is cured by verdict. *Ib.*

Objection to form of action or pleadings not available here if plaintiff has no case in any form. *Washington v. Ogden*, 450.

PRACTICE.

The court may award a *certiorari* at the third term, but will not postpone the cause. *Clark v. Hackett*, 77.

Writ of error will be dismissed if no citation served. *Bacon et al. v. Hart*, 31.

Service of citation on defendant's counsel good. *Ib.*

But not on his executrix or his partner. *Ib.*

Where one party in a pending appeal buys out the other, the appeal will be dismissed. *Cleveland v. Chamberlain*, 419.

If this be done to affect persons, not parties, it is punishable as a contempt. *Ib.*

The third parties sought to be injured will be heard to show it. *Ib.*

Where the judges of this court and the Circuit Court are both equally divided, the bill is to be sent down and dismissed. *Silliman v. Hudson River Bridge Company*, 582.

PRACTICE, (*Continued.*)

- The judges of the Circuit Court cannot certify a division on the question whether evidence is sufficient to prove the averments. *Ib.*
- A bill of exceptions to the rejection of a witness need not state that the witness was material. *Haussknecht v. Claypool*, 431; *Vance v. Campbell*, 427.
- Power of the court to make rules of practice. *Steamer St. Lawrence*, 522.
- The court cannot thereby enlarge or diminish its jurisdiction. *Ib.*
- Rules are prospective in their operation. *Ib.*
- On appeal, the Circuit Court may modify other decrees of the District Court not appealed from between the same parties and relating to the same matter. *The Water Witch*, 494.
- A party benefited by such change cannot complain of it. *Ib.*
- The court will not dismiss a writ of error to the Circuit Court on the ground that no error appears on the record. *Hecker v. Fowler*, 95.
- A bill of exceptions should contain only what is necessary to raise the legal question. *Johnston v. Jones*, 209.
- If it excepts generally to a series of propositions laid down by the court, any one of which is true, the bill is overruled. *Ib.*
- The discretion of the judge who presides at the trial must regulate and limit the cross-examination of witnesses. *Johnston v. Jones*, 209.
- So, also, as to the time and order of introducing evidence. *Ib.*
- In admiralty, objection to a witness must be made at hearing. *Nelson v. Woodruff*, 156.
- What objections cannot be made to a deposition where the opposing proctor knew it was taken. *Ib.*
- This court will not reverse a decree in admiralty for a supposed mistake of fact, unless the mistake be clear. *Ship Marcellus*, 414; *The Water Witch*, 494.
- The judge may disregard written points, if he charges rightly. *Law v. Cross*, 538.

RAILROAD COMPANY.

- Where a county through which a railroad may pass is authorized to subscribe stock, this includes any county lying between the termini. *Woods v. Lawrence County*, 386.
- What irregularities will not be a defence for a county against bonds given by commissioners. *Ib.*

RIPARIAN RIGHTS.

- The right of a riparian owner to accretions depends on the condition of the land at the date of his deed, and not at the date of a title bond under which he procured it. *Johnston v. Jones*, 209.
- Riparian owners have a right to build piers, &c. *Dutton v. Strong*, 23.
- Extent of the right. *Ib.*
- Presumption is that they are not a nuisance. *Ib.*
- Distinction between public and private piers. *Ib.*
- Where a pier is private, a vessel cannot be moored to it without the owner's consent. *Ib.*
- A vessel wrongfully attached to a private pier may be cut loose. *Ib.*

SALARY.

A register (of Land Office) can retain as compensation only \$3,000. *United States v. Babbit*, 55.

All over that sum must be paid into the Treasury. *Ib.*

SALVAGE.

Parties who take in a derelict vessel are entitled to all the salvage. *Island City*, 121.

But a vessel is not derelict unless wholly abandoned. *Ib.*

Where several vessels at different times render separate and meritorious service the salvage is to be divided among them. *Ib.*

Salvage is forfeited if the salvors be guilty of embezzlement or other acts of bad faith. *Ib.*

STATUTE.

A State or Federal statute is to be construed according to the rules of the common law. *Rice v. Railroad Company*, 358.

One statute does not repeal another unless it be impossible to reconcile them. *McCool v. Smith*, 459.

In American statutes generally, terms well known in the English law must be interpreted according to that law. *Ib.*

SURETIES OF PUBLIC OFFICERS.

Are chargeable only with moneys received by their principal while in office, and must be credited with all he has paid. *Bryan v. United States*, 140.

Not chargeable with a draft which was not paid until the principal went out *Ib.*

Transfer by the Government to an agent of the officer will not affect his sureties. *Ib.*

SURRENDER.

What is surrender and cancellation of an agreement to sell lands. *Washington v. Ogden*, 450.

SURVEY.

See *Ejectment*, *Estoppel*, *Land Law*.

TIME.

Where a party has had possession of land for fourteen years under a legal title, equity will not turn him out. *Harkness v. Underhill*, 316.

The heirs of a person who died in possession cannot be turned out after several years, and a rise in the value of the property, by one claiming the title of a sheriff's vendee, who consented that the heirs should redeem. *Laflin v. Herrington*, 326.

Claim for money lent, thirty-three years after the loan, rejected. *Rogers v. Law*, 253.

A bill in equity will not lie after twenty years of negligence. *Pindell v. Mulikin*, 585.

USURY.

What it is, and what it is not. *Hogg v. Ruffner*, 115.

WILL.

Construction of a will which forbade legatees to claim anything under certain deeds on penalty of forfeiting their legacies. *Rogers v. Law*, 250.

Legatees must accept testator's bounty *cum onere*. *Ib.*

WRIT OF ERROR.

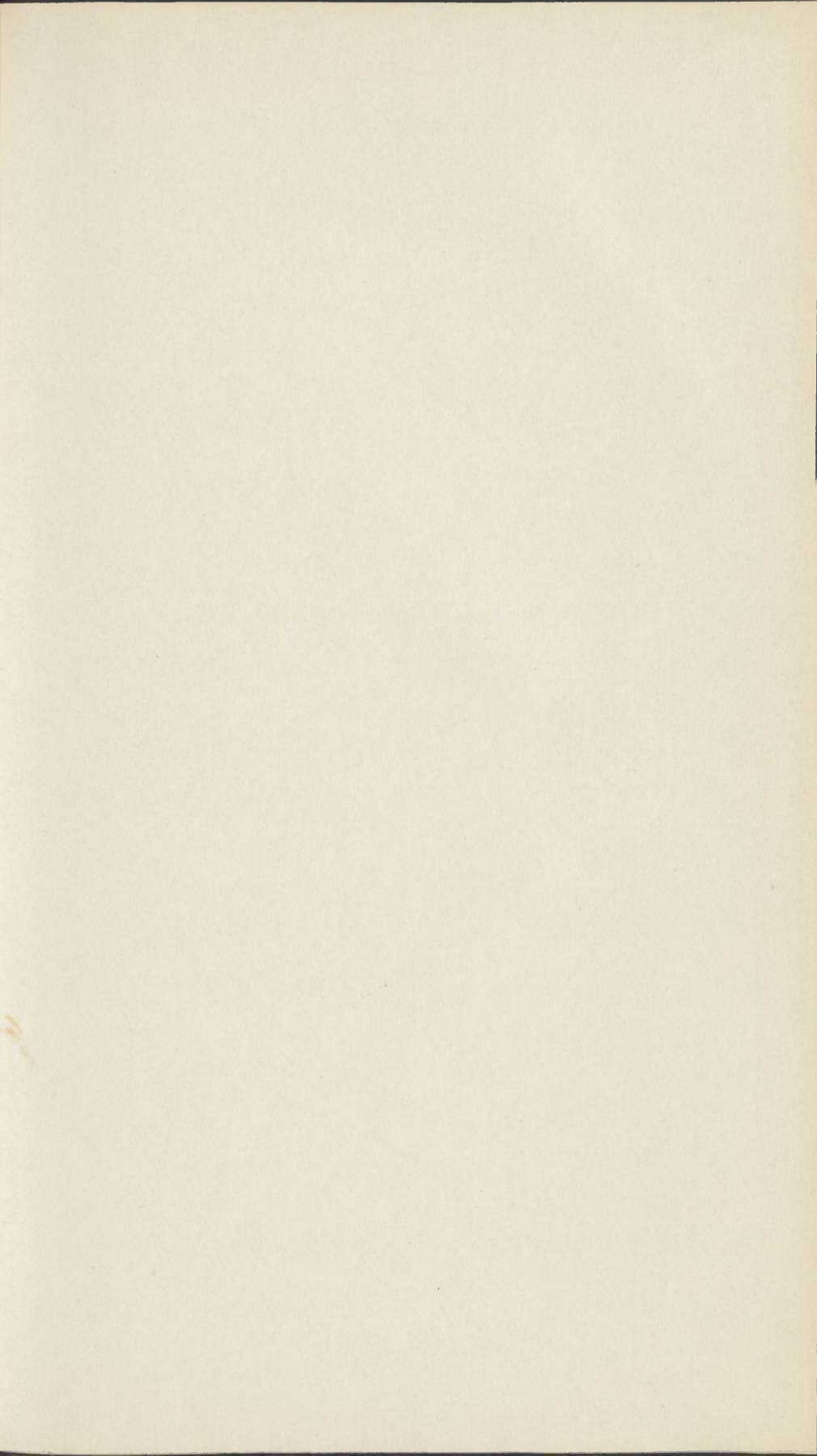
Writ of error under Sec. 22 of the judiciary act will not lie unless the matter in dispute exceed \$2,000 in value. *Pratt v. Fitzhugh*, 271.

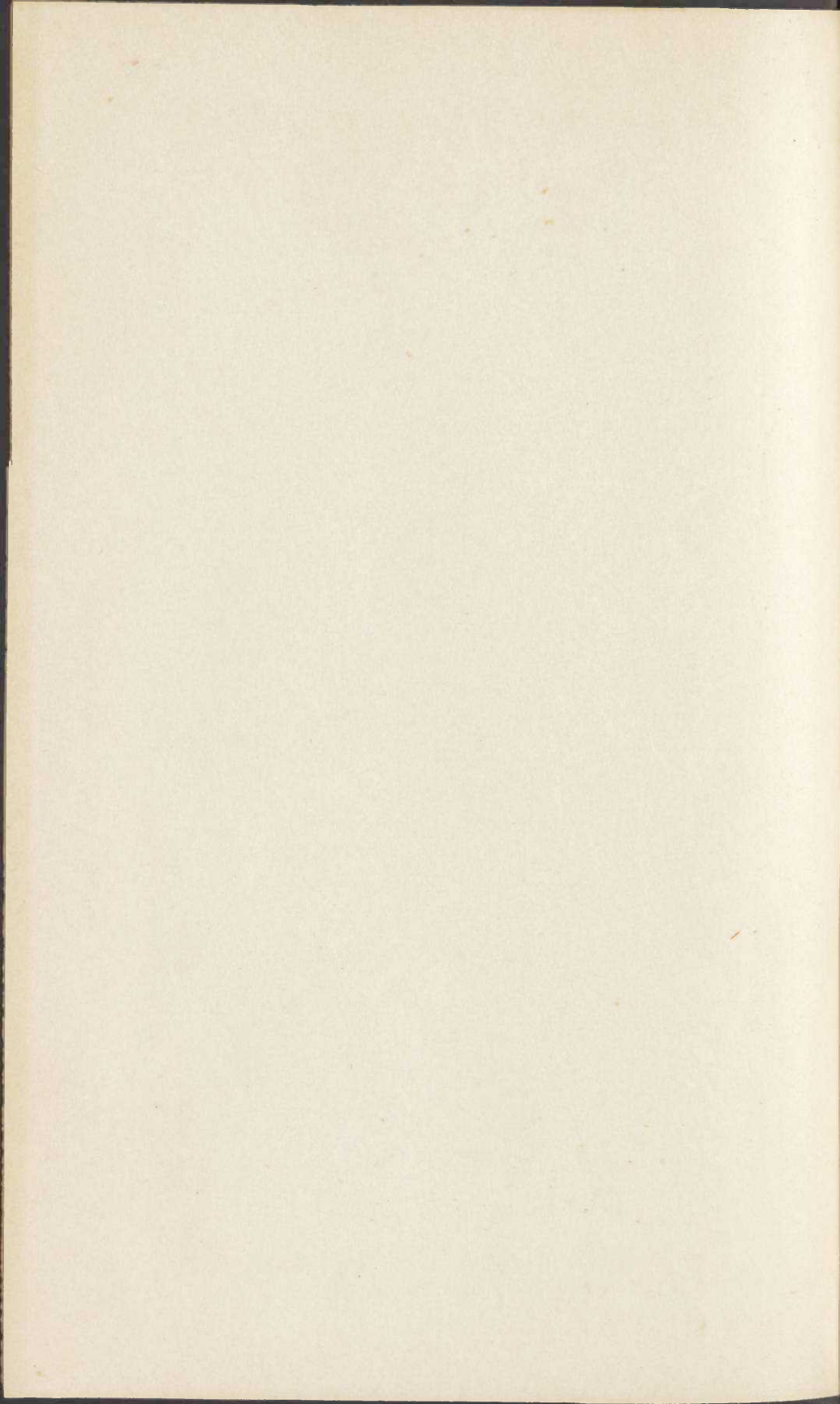
This means a property value. *Ib.*

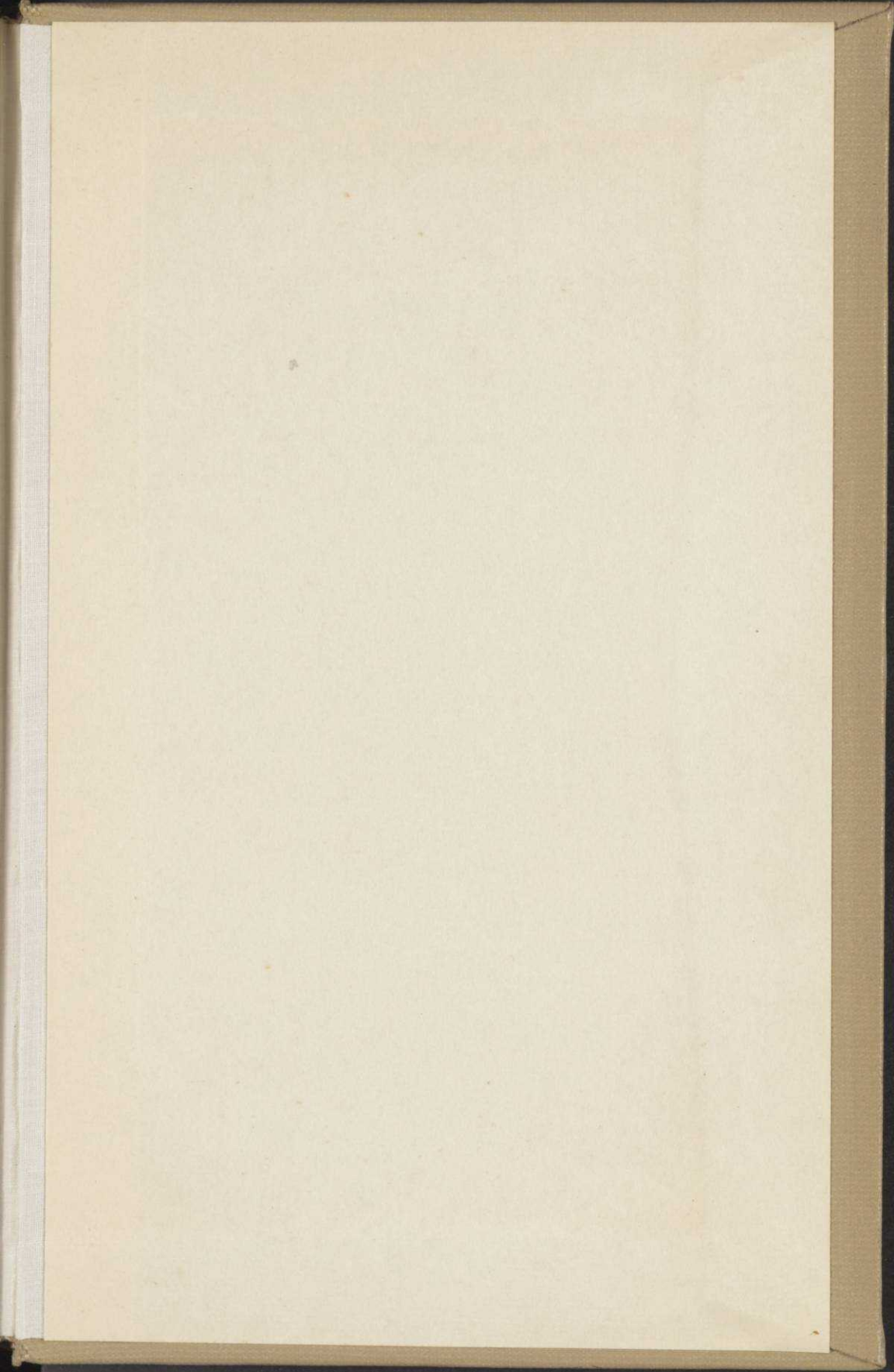
Therefore it will not lie to an order on a *habeas corpus* discharging a party from arrest. *Ib.*

WRIT OF PROHIBITION.

Does not lie in a criminal case from this court to a Circuit Court. *Ex Parte Gordon*, 503.







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