

VENDOR'S LIEN.—*Continued.*

session the single bill referred to, this receipt cannot have the effect to defeat the claim of B. S. for this debt, and he is, to the extent of his share of the realty, an unpaid vendor thereof, and has a right in equity to pursue the estate or its proceeds, as against the vendee or volunteers claiming under him or his judgment and general creditors. *Spalding vs. Brent et al.*, 411.

2. The purchase-money attaches to the land in the hands of the vendee as a trust; and the heirs of the vendee, and all other parties claiming under him or them, with notice, are treated as in the same predicament. *King-gold vs. Bryan*, 488.
3. Where the vendee has sold the land to a *bona fide* purchaser without notice, if the latter has not paid the purchase-money, the original vendor may proceed against the estate, or the purchase-money in his hands; for in such a case, not having paid the purchase-money, he takes the land *cum onere*. *Ib.*
4. A judgment against the vendee gives to the judgment-creditor no estate in the land, but simply a lien upon it for the payment of his debt; and such lien being a general one, cannot affect or impair in any way the equitable lien of the vendor. *Ib.*

VOID, VOIDABLE.

See INFANCY, INFANTS, 1, 2, 5.

VOLUNTARY CONVEYANCES.

See FRAUDULENT CONVEYANCES, 4-12, 28, 29.

HUSBAND AND WIFE, 11, 12.

WIFE'S EQUITY.

See HUSBAND AND WIFE, 1-4.

WILLS, CONSTRUCTION OF, &c.,

1. A testator, after bequeathing certain pecuniary legacies to his four daughters, directed that his son *John* was "to hold the farm and have sufficient time to pay off the legacies," and then gave a pecuniary legacy to another son, *Joseph*. HELD—
That all these legacies, including that to *Joseph*, are charges upon the real estate devised to *John*, and are to be paid, *pari passu*, out of the proceeds of the sale thereof. *Usilton vs. Usilton*, 36.
2. A testator bequeathed to his daughter the sum of two hundred and fifty dollars and two negro slaves, "and in case of her death, without issue, the property to go to her sisters." HELD—
That the limitation over is void as to the two hundred and fifty dollars, being after an indefinite failure of issue. *Ib.*
3. The mere circumstance that the limitation over is to a person *in esse* will not of itself be sufficient, even as regards bequests of personalty, to restrict the words, "dying without issue," to mean a dying without issue at the death of the first legatee. *Ib.*
4. Where the limitation over after a bequest of personalty is, if the first legatee dies without "leaving" issue, the word "leaving" restricts the limitation over to a definite failure of issue. *Ib.*
5. A testator bequeathed his whole estate, with some small exceptions, to his wife for life, with remainder in fee to his two surviving children, and the children of a deceased daughter, and by a codicil, executed the same day, after reciting the devise to his wife, declared that he revoked "the