

How, and
under what
restrictions
legacies are
to be paid.

If a man by will gives a legacy to a child as a portion, and the child afterwards marry, and the father gives a portion, this extinguishes the legacy.

If a man be bound to pay a sum of money to another, as a debt, or portion, and give by will an equal or greater sum, this will operate as a satisfaction of the debt, or portion, when received; unless there be a presumption, that the testator's intention was otherwise; and in these cases parol evidence is admitted; and whenever a legacy is deemed a satisfaction of a debt, interest is given from the death of the testator, and the legacy must take place absolutely, and immediately after the testator's death; and therefore, if not made payable till a month after, or on a contingency, it is no satisfaction; nor is it, if the debt was contracted after making the will; or when the bequest is of something of a different nature, as land. If a man make an ineffectual conveyance of lands, or chattels, it shall destroy a former devise, or legacy.

Where there is a bequest by will in discharge of a demand, and the demand is insisted upon, not only the bequest must be waved, but all benefit under the whole will; for it is a general rule,