

TRUSTEE AND CESTUI QUE TRUST—*Continued.*

11. If a trustee acting upon his own discretion, makes an investment of trust funds without the sanction and approbation of the court, he will be responsible for any losses thereby incurred. *Ib.*
12. An order passed by the court upon petition, of one of the *cestui que trusts*, directing the trustee to account for a portion of the trust fund, and specifying to some extent the responsibility incurred by him, does not finally determine any right and is not conclusive on any of the parties to the case. *Ib.*
13. A trustee or his administrator may be called upon *by petition* to bring the trust fund into court, and to account therefor; and the administrator may also be required in such proceeding, to account for the personal estate of the trustee. *Maddox vs. Dent*, 543.
14. A trustee was appointed to sell the real estate of a deceased party, for the payment of his debts in 1830, and made and reported the sale which was affirmed, *nisi*, in 1831, and in 1842 he was called upon by the heirs at law of the deceased to account for the purchase money,  
HELD—

That after this lapse of time the trustee must not only be presumed to have received the purchase money, but is responsible for it whether he received it or not. *Ib.*

See SALES BY TRUSTEES.

WILL AND TESTAMENT, 17, 20.

VENDOR'S LIEN.

COUNSEL FEES, 10 to 13.

TRANSFER OF STOCK, 1.

ATTACHMENT, 1.

ORPHANS COURT, 2.

LIMITATIONS, 9.

## USER.

See WAYS, RIGHT OF, &c., 25.

## USURY.

Prior to the act of 1845, ch. 352, the plea of usury by the mortgagor or his alienee to a bill of foreclosure by the mortgagee would have been a full and complete defence. *Hitch vs. Fenby*, 190.

See PRACTICE IN CHANCERY, 23.

## VENDOR, VENDEE.

See AGREEMENTS, &c., 1, 3.

## VENDOR'S LIEN.

1. The equitable lien held by the court for the payment of the purchase money of land sold under its decree, cannot be enforced by a trustee who has assigned the bonds given for its payment, whether the assignment was or was not made, with the sanction of the court. *Hayden vs. Stewart*, 280.