

VENDOR'S LIEN—*Continued.*

2. The assignment of a bond given for the purchase money of land without recourse, extinguishes the vendor's lien, because so far as he is concerned, it amounts to a payment and satisfaction of his claim. *Ib.*

VOLUNTARY AGREEMENTS.

See SPECIFIC PERFORMANCE, 4.

WAYS, RIGHT OF, &c.

1. A private right of way over the lands of another must be founded either on grant or by prescription which supposes a grant. *Pue vs. Pue*, 386.
2. A user of a right of way for twenty years, exercised adversely and without any thing to qualify it, will afford sufficient ground for the presumption of a grant. *Ib.*
3. But if the enjoyment can be referred to the leave or favor of the party over whose lands the right of way is claimed, or can be placed upon any other footing than a claim or assertion of right, it will repel the presumption of a grant. *Ib.*
4. A right of way once established by prescription or by grant, cannot be extinguished by a parol agreement. *Ib.*
5. But where an attempt is made to make out a title by prescription founded upon an adverse and uninterrupted user for a series of years, it is competent to the defendant to prove by parol that the user was the result of his leave and favor, and not of a claim of right in the other party. *Ib.*

WIFE'S EQUITY.

See HUSBAND AND WIFE, 1.

WILL AND TESTAMENT.

1. A testatrix devised her real estate to her executor, in trust, to sell the same and invest the proceeds to pay the legacies and annuities in her will. She then bequeathed to her sister an annuity of one hundred dollars during her life; to her niece, fifty dollars per annum during her life; to each of the children of her said niece now living, or hereafter to be born, one hundred dollars per annum, payable as they respectively attained the age of five years, and to continue until they were old enough to be put out to trades. She also gave other pecuniary legacies to the same children as they respectively arrived at age or married. The interest of the trust fund was inadequate to pay these annuities. HELD—

That they could not be paid out of the *principal* of the estate.

Trust estate of Jane Blake, 64.

2. A party, by a declaration of trust, settled upon his son and daughter certain bank stock, which he declared he would hold in trust for them, the dividends to be paid to them equally, share and share alike, and on the death of the daughter, one-half to be transferred to her children, and on the death of the son, the whole to be transferred to his daughter and her children, and subsequently made his will, devising