

vendor filed a bill against the father as heir-at-law, alleging that he intended to sell the property so as to defeat the vendor's lien, and praying that it might be declared that he had a first lien or charge upon the estate for the amount due him. *Held*, that he was entitled to a decree for that purpose, but without costs.

Faulds v. Powell, 375.

VENDOR AND VENDEE.

After thirty years' possession of land, by a person to whom the owner, who was the grantee of the crown, had conveyed the property in exchange for other lands, the vendor discovered a defect in the title by reason of the non-registration of the conveyance in the proper office, and executed deed to a person who was in possession of a portion of the property for several years under the vendee's heir. To a bill filed to set aside this conveyance, the vendor and the second vendee set up the non-heirship of the plaintiff; purchase for value without notice, and that the original vendee was a minor at the time of the exchange, and had repudiated the transaction on becoming of age: and further that he had no title to the land conveyed in exchange. The court considered that the long possession and the absence of proof of the facts alleged by the defendants were sufficient to entitle the plaintiff to a decree with costs.

Harkin. v. Rabidon, 405.

2. The vendor took from the purchaser a mortgage for part of the consideration money, but did not register the conveyance until several months after the deed to the purchase had been registered;

in the meantime the mortgagor created a second incumbrance in favor of *bona fide* mortgagees, which was registered long prior to the first mortgage, without notice of the vendor's incumbrance. *Held*, that the want of a receipt for the consideration money, upon the deed to the purchaser was not sufficient to postpone the second incumbrance.

Baldwin v. Duignan, 595.

WILD LAND TAXES.

Semble: A tenant for life of the whole estate of the testator, consisting of an improved farm and of wild lands, is bound to keep down the taxes upon the whole. *Biscoe v. VanBearle*, 438.

WIFE'S MAINTENANCE.

See "Trust," 2.

WILL.

(CONSTRUCTION OF.)

1. A testator directed all his estate, real and personal, to be sold for the purpose of dividing the proceeds amongst his children, which sale was to take place in eighteen months from his death; but the will empowered the executors to withhold the sale of the estate, "*real and personal more than what is necessary to defray the above mentioned charges, if they should deem it for the benefit of my heirs, provided such sale shall not be delayed longer than five years from my decease.*" The real estate was not sold within the five years: *Held*, notwithstanding that the trustees could make a good title, the limitation of the time being only directory. *Scott v. Scott*, 366.

2. A testator devised 100 acres of his estate to his son *Robert*, for which he was to pay the execut.

ors, b
money
for the
his att
years;
ed tha
Robert
pay th
the ma
be in t
or ex
acres o
fit and
son, or
Carson,
said lot
such p
execut
The leg
execut
Thomas