

WASTE.—*Continued.*

his suit at law. But after the suit, which had been instituted here or at law to try the right, has been determined, then, according to the nature of that determination, the injunction be altogether dissolved, or be made perpetual only to the extent to which the plaintiff has recovered. *Ib.*

WILLS.

1. Wherever a testator devises a part of his estate to one who has a claim upon it independently of him; it is a settled principle of equity, that the devisee shall not be allowed to disappoint the express or obvious intention of the testator by taking both; but shall be put to his election to take the one or the other. *Hall v. Hall*, 120.
2. A devise of land to a religious sect without the leave of the Legislature, in some way previously had and obtained, is void. *Murphy v. Dallam*, 497.