

WILL AND TESTAMENT—*Continued.*

to her when she was of *lawful age* to receive it, which, by the laws of this state, is eighteen years in the case of a female infant.
Ib.

18. A testator devised all his estate "both real and personal" to his wife for life, and after her death directed his executor to "sell his real estate and pay to each of his three grandchildren" \$1000 each, when they arrive at the age of twenty-one. HELD—

That this direction in view of a court of equity, operated a conversion of the real estate out and out into money. *Carr vs. Ireland*, 251.

19. A testatrix devised a portion of the residue of her estate to certain trustees in trust "for the use of the children of M. S., the children of W. B. and G. B., equally as tenants in common, their heirs and representatives forever." HELD—

That the children of M. S. and W. B., born *since* the death of the testatrix, are to be excluded from the benefit of this bequest, but all their children born prior to that period, and G. B. take *per capita*, and equally. *Benson vs. Wright et al*, 278.

20. A testatrix devised her estate, real and personal, to trustees in trust to "apply the rents and profits thereof to the support and maintenance of her daughter during her life, and to the support and maintenance, and education of her children," "and after her death in trust for her children, to be equally divided amongst them." The daughter, at the date of this will and death of the testatrix, had four children by her then husband, who died during the life of the testatrix. She subsequently married again, and had by her second husband, five children.
HELD—

1st. That under this will the children of the daughter by the second marriage, as well as those by the first, are entitled to maintenance and education out of the interest of the trust fund during the life of the daughter, and to a distributive share of the principal after her death.

2d. The provision for maintenance and education commences from the birth of each child or the death of the testatrix, and continues during its minority, or until its marriage, if a female, or the death of its mother.

3d. The representatives of such of the deceased children to whom none of the interest of the trust fund was paid for their support and maintenance, are entitled to an account for the sum which should have been paid to them.

4th. The trustee appointed under this will might have performed all the duties of the trust without an application to a court of equity.

5th. A decree of the Court of Chancery, passed under the act of 1785, ch. 72, sec. 4, appointing the trustee named in the will, trustee for the sale of the real estate devised by the will, invested him with all the power which he would have had under the will,