

"Judge Earley's Opinion"

The only question in this ^{mentioned} case is from
the construction of the deed of gift in the Record,
from Morgan Bradshaw to his sister Sarah Brad-
shaw. The operative expressions in this instrument
are, "to my sister Sarah Bradshaw and her lawful
issue forever, and if she die without issue of her
said, the said heirs like then increase to return to
the estate of the donor," and it is admitted that Sarah
Bradshaw never had lawful issue and consequently
that she died without such issue. The doubt
point is, whether heirs like then increase shall
return to the estate of ~~the donor~~ Morgan Brad-
shaw who died it seems before Sarah Bradshaw his
sister.

If this case and her increase cannot return
to the estate of Morgan Bradshaw, it follows that
the gift to Sarah Bradshaw passed the absolute
property to her in heirs like, and of consequence
that both she and her husband Jonathan Mott, Jr.,
had a right to maintain, or to make any other
disposition in their pleasure of her ^{her} like and
her increase.

The above expressions in the deed of gift
are general, and in their obvious legal meaning
extend to all the lawful issue of Sarah Brad-
shaw; and, as a limitation of a chattel to take