

is a local habitation, a place of residence. It is a right to have the enjoyment of a certain house, as a dwelling place. The right of habitation is confined to so much as is necessary for the habitation of him to whom it is granted, and his family. It is the donation of a privilege, so absolutely personal in its nature, that it cannot be leased or assigned to another, nor is it such an estate, as if given to several, can be separated by partition, and given to each one in severalty. The party to whom it is given, may enjoy or leave it at pleasure; but he cannot claim compensation for it from any one, unless he has been hindered in, or driven from the enjoyment of it; of which, there being here no allegation, there need be no inquiry as to the value of this bequest to any one of these legatees. (p)

The testator *William*, then proceeds to direct, 'that all the property be kept together, and worked by the family slaves, until my son *Walter* shall arrive to full age, for the support of the family.' This is a provision made by a husband and a parent, for his family; and therefore, should have a construction, at least co-extensive with what his duties were, when he was alive. His family was rightfully composed of his wife and his infant children; each of whom, as such, during his life, was entitled to a reasonable and proper maintenance from him according to his means and circumstances. Hence, it is fair to presume, that he intended by these comprehensive expressions in his will, to have his property so applied, as most effectually to accord with the duties of a husband and a parent. Being satisfied that this was the general intention of this provision, I am of opinion, that the support here directed to be given, must be such as is suitable for each legatee, having a proper regard to circumstances, and the extent of the fund so charged with their support. Therefore, with respect to the infant children, it must be construed to embrace a suitable education for each, as well as board and clothing. When a daughter marries, she ceases to be a member of her father's family, she puts off his authority, and has no longer any claim upon him for support; therefore, in this instance, no one of these infants can have awarded to her, after her marriage, any portion of that which is here given 'for the support of the family.'

The testator *William*, it is evident, intended that the property

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(p) Co. Litt. 122, a.; Ayliffe, Civil Law, b. 3, tit. 7; Domat, b. 1, tit. 11, s. 2; Code Napole. Civil. s. 633, 634; Warfield v. Gambrell, 1 G. & J. 503.