

enforce were debts due by the deceased husband at the time of his death. It is also very apparent that no accounts were kept of any expenditures made by the petitioner from time to time, and there is nothing in the case which shows any intention upon her part to charge for the items which she <sup>now</sup> claims, at the time the services were rendered and the expenditures made by her. The evidence does clearly show that the taxes on the property in question up to and including the year 1928, were paid by Mrs. Hiltner, out of her own funds. Apart from the item of taxes, the petition filed by her is an effort to establish a claim in her favor against the infant children of her deceased husband for services rendered and amounts expended by her in their behalf. Not only did she and the children occupy the premises, but for the time her mother and sister lived with them as part of the household, although for a portion of that time at least her sister paid board. During the last five years the eldest of the children of

Mr. Hiltner, was also employed at least during a portion of each year, earning an average of about \$150 per year, and these earnings were also contributed to and assisted in the support of the family. The infants had no estate other than their undivided interests in the property sold under the proceedings in this cause, and this property, as above mentioned, was occupied by the widow and all of the children as a home, so that the infants were without any income other than the compensation insurance and the earnings of the oldest child during ~~the~~ recent years, to which reference has already been made. The widow, therefore, is now asking the Court to take from the principal of the children, derived from the sale of the real estate in which they had undivided interests, a portion or all of said principal and award it to her in compensation for services and to reimburse her for expenditures, of which there is no exact proof, which she alleges were made in their behalf.

The statute of limitations has been pleaded for and on behalf of the infants, and, as stated, there is no exact proof of any sum or sums expended by the petitioner, or of the particular character of services rendered by her, for the benefit of any one of the infants. She seeks to recover by grouping the infants together as receiving care and attention from her during their infancy, and by proof that she was possessed in 1921, of \$400 and during recent years earned an average of about \$200 per year, all of which she testified was expended in maintaining the household. She was under no legal obligation to care for and rear the infant children of her deceased husband by a former marriage, and that she did so was certainly very commendable in her. They all lived together as one family and enjoyed the benefits of the compensation insurance, occupying the property which had descended to them from their deceased husband and father. Under such circumstances this Court does not feel at liberty to now take from the children a portion of their inheritance and award it to the widow on a rather indefinite and uncertain claim for services and expenditures (not definitely and exactly established as against each individual infant) alleged to have been made for their benefit when the infants

had no income of their own other than as above stated, and under circumstances which apparently showed no intention of charging them for the services and expenditures at the time they were rendered and made. There was some evidence offered on behalf of the infants tending to prove that their clothing, or the greater portion of it, was furnished by others than the widow, and that they frequently got their meals at their grandfather's table. At any rate all of the income which belonged to the children was either received by the widow or expended in their maintenance and in defraying the expenses of the household. The solicitors for the petitioner cited as authorities to sustain her claim, among others, the cases of Mowbry vs. Mowbry, 64 Ill. 383; Whipple vs. Dow, 2 Mass. 415; Alling vs. Alling, 52 N.J. Eq. 92; 27 Atl. 655; all of which, together with the other cases and authorities cited by said solicitors have been carefully considered by the Court, but in my opinion, under circumstances such as are here disclosed, are not sufficient to justify this Court awarding to the petitioner that which she asks: So that the claim of the petitioner, so far as the same relates to services rendered and to sums expended for the benefit of the infants during past years, will be disallowed.