

purpose; that the said persons have each received from him, more than their proportions, if the same should be divided equally among them. Horatio Tilly has only received the sum of \$5.68. He was bound apprentice to a trade in the City of Washington, and in a short time after the sale, absconded; and has never been since heard from; and that is the only evidence of the death of the said Horatio; that the said Lucretia and Margaret Tilly, were deserted by their relations, and in danger of perishing from want, when the said Sarah Tilly, who has since intermarried with the petitioner, herself contracted for her board, with Mrs. Ann Hyde, prevailed on the trustee to pay her board for one year, out of the proceeds of sale; stating, that she herself would, about that time, be married, and able to take care of them after that time. But her marriage not taking place, this trustee was compelled, by motives of humanity, and by the intreaties of the said Sarah, to advance considerable sums from his own pocket, for their maintenance, they having no other property, or see them turned destitute into the street. For which expenditures, and all other expenditures as trustee, he refers to the vouchers herewith filed; and which he prayed to be permitted to establish by proof where they are not in themselves legal evidence; that Horatio Tilly owes no debts; and the object of obtaining administration of his estate, is to divide the proceeds among his said brothers and sisters; and this trustee conceives, that he ought, at least, to be allowed the amount of the said Lucretia's and Margaret's parts of the said Horatio's interest, if he have any, and which he has already expended for their benefit; and he further contends, that he ought to be allowed the whole of the amount claimed by the administrator of the said Horatio, even against his creditors; but is ready to bring the same into Court, if required.

BLAND, C., 19th April, 1830.—The matter of the petition of Berry Griffith, standing ready for hearing, and having been submitted on notes by the solicitors of the parties, the proceedings were read and considered.

This devise, as regards these infants, is one of a very singular **442** *character. It is clear, that the trustee was to hold, at all events, for the use of the testator's daughter, Elizabeth Tilly, during her life; but whether any or what interest, during the same time, vested in her children seems doubtful. It is certain, however, that as tenant for life, she was constituted the person of the profits of the estate charged, either for her own exclusive use, or for her own benefit, and also for the maintenance of her children. During her life, therefore, it could only be the duty of the trustee to hold the legal estate for the purpose of protecting the right thus given to her. But on her death, a new and different interest vested in her infant children. After her death, the trust-