

A legacy to a creditor may, in some cases, be presumed to have been given merely as a satisfaction of the debt. (c)

The nature of a devise of a right of habitation. (d)

A devise, by a father, "for the support of the family," must include the support of the devisor's widow, with the maintenance and education of his infant children.

THIS bill was filed on the 6th of April, 1829, by Edmund B. Addison, and Eliza D. Addison his wife, against William D. Bowie, Ann D. Bowie, Walter B. Bowie, Kitty Bowie, Richard D. Bowie and John Contee. The bill states, that Baruck Duckett, being seized and possessed of real and personal property of very great value, on the 16th of July, 1809, made his last will and testament, which, although not exhibited with the bill, was afterwards produced and admitted; and so far as it affects this controversy, was in the following words:

"I give and devise to my son-in-law, William Bowie, of Walter, the plantation whereon I now dwell, likewise the lands called the Jeremiah and Mary, and the re-survey on the Jeremiah and Mary, and ten acres of the land purchased of Henry L. Hall, to be laid off at the north end, during his natural life only. In case the said Bowie should die before his wife Kitty, she has hereby a right to remain on, to occupy and enjoy all the aforesaid lands during her natural life. If either the aforesaid Bowie or his wife Kitty, should cut down, or suffer to be cut down, the enclosed woods below my dwelling-house for cultivation, their title to cease and be void for \* ever. I hereby authorize the said Bowie to  
**607** designate any one or more of his children, by his wife Kitty, who shall have the fee simple in all the aforesaid lands. My will being, that the fee should pass to all or any one of them in the discretion of their father; creating this uncertainty of designation merely as a motive to good conduct in them all."

"I give and devise to my grandson, William Duckett Bowie, my Quarter Plantation, with twenty acres of the land purchased of Henry L. Hall, to be laid off at the south end. In case the said William D. Bowie should die, leaving no lawful issue, then my will is, that my Quarter Plantation, and the twenty acres aforesaid, should pass to the next eldest son of William Bowie, of Walter, by his present wife Kitty; and if said next eldest son should die without lawful issue, in like manner to the next eldest son, as often as the case shall happen; giving and devising to such eldest son, in fee simple, as I hereby give and devise to my grandson, William D. Bowie, in case he should die leaving no lawful issue;

(c) See *Partridge v. Partridge*, 2 H. & J. 63; *Edelen v. Dent*, 2 G. & J. 185; *Waters v. Howard*, 8 Gill, 262, note; *Spencer v. Spencer*, 4 Md. Ch. 464.

(d) Cited in *Meakin v. Duvall*, 43 Md. 378. See *Tolson v. Tolson*, 10 G. & J. 159, note (b).