

cases proper and necessary, to enable the register to make up a full record in an orderly and correct manner; and in many cases it is indispensably necessary as the only means of so conclusively fixing dates as to enable the Chancellor to decide correctly. The ancient and well established course of the Court must be in every particular punctually observed. The Chancellor has often explained and complained as to this matter; yet he is satisfied, that, in this instance, there has been no intentional departure from the proper course.

Whereupon it is ordered, that this case stand over, and after such of the now loose papers shall have been marked filed as the parties may think proper to have put upon the record, that the register return the bundle to the Chancellor.

After which the report of the auditor, with the depositions and
618 * documents by which it was accompanied, were severally marked filed as of the 7th of May, 1830, and the case was thereupon again submitted.

BLAND, C., 10th July, 1830.—This case standing ready for hearing, and the solicitors of the parties having been fully heard, the proceedings were read and considered.

The difficulties here presented arise from the different constructions given by the parties to two wills under which they claim. The first of them is that of the late Baruck Duckett, and the matter, as to it, turns upon what shall be considered as the true meaning of four of its clauses, the first of which is in these 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 designate any one or

subpoena, because the party has it in his power to strike out the reference, and therefore, to obtain the subpoena. [See also the Revised Rules of March, 1817, No. 3.]

ENNALLS *v.* BOND.—HANSON, C., 17th July, 1800.—A reference to papers or records, of which neither the originals nor copies are filed in the cause, are altogether improper; and no paper which is not exhibited and filed in a cause, ought to have any influence on the decision.—MS.