from the negroes thus appropriated among them, more than was expressly given. William Bowie could not have the use and profits of any more than the class which might by lot fall to him. The profits of the third given to his son William D. Bowie certainly vested in him at once; and so, too, the profits of the other third, which were awarded by lot to the rest of the children vested in them as a specific legacy.

A father is bound to maintain his infant children, if able; 2 *Inst.* 112; *Harrey* v. *Harrey, Barnard C. Rep.* 107; *Butler* v. *Butler*, 3 *Atk.* 60; *Rawlins* v. *Goldfrop*, 5 *Ves.* 444; and, therefore, nothing is ever allowed to him for that purpose out of the infants' peculiar estate, unless upon special grounds. It *does not appear **620** that William, the father, ever claimed any allowance for the maintenance of these, his infant children, out of the legacy given to them; nor has it been shewn that his fortune was not amply sufficient to maintain all his children; or that there were any special circumstances upon which he could have rested such a claim of an allowance for maintenance out of the legacy of negroes and stock given to his infant children; therefore no such allowance can be made. And as the negroes were held for them, by their father, as their natural guardian, he must be held accountable to them for their profits accordingly. *Jackson* v. *Jackson*, 1 *Atk.* 514; *Hughes* v. *Hughes*, 1 *Bro. C. C.* 387; *Hoste* v. *Pratt*, 3 *Ves.* 733; *Collis* v. *Blackburn*, 9 *Ves.* 470; *Errington* v. *Chapman*, 12 *Ves.* 20; *Maberly* v. *Turton*, 14 *Ves.* 500; *Jervoise* v. *Silk*, *Coop. Rep.* 52; 1816, ch. 203, s. 1.

By the last of these three clauses of the will of the testator Baruck, the legacy of the one-third of the negroes is given to the rest of the children as they arrive at age; that is, sixteen for girls. And consequently this one-third of the negroes vested in equal shares in each of these children, who were in being when the eldest of them reached the age designated by this testator as the point of time when the whole of that third should vest and be distributed. Before that time all these children of this testator's daughter Kitty had come into being; and, therefore, this one-third of the negroes, with their profits so vested in them at that time, must be awarded to them accordingly. *Barrington* v. *Tristran*, 6 *Ves.* 345.

The second of these wills is, that of the late William Bowie, of Walter. There are several provisions of this will, not now necessary to be considered; but those clauses of it which have been the principal causes of involving these parties in this controversy are expressed in the following words:

"My father-in-law, the late Baruck Duckett, having devised his dwelling plantation to me during life, and also the land called Jeremiah and Mary, and the resurvey thereon, with power and authority to me to designate any one or more of my children by his daughter, and to devise it to them in fee at my discretion, I do