

The true construction of the whole clause is—That the widow took an estate for life—for a period thereof to be held by her, for the benefit of herself and her children, that is, during their minority. Upon the children attaining their full age, the widow still living, her estate would continue until her death disencumbered of any charge on account of the children ; and, upon her demise, the limitation over for life to the children would take effect, and upon their death, the inheritance would pass to the heirs at law of the testator, as property undisposed of by the will.

[The question involved in this case, relates to the construction of the will of James Elliott, deceased, who died in 1809, and is brought before the court by exceptions to the Auditor's report ; the nature of the case being sufficiently explained by the Chancellor's statement of the facts, and his comments thereon :]

THE CHANCELLOR :

The question relates to the disposition of the proceeds of a house and lot on Aisquith street, in the city of Baltimore, sold under a decree of this court.

The clause in the will devising this property, is in the following words : "I give and devise unto my beloved wife, Mary Elliott, my house and lot on the east side of Aisquith street, with all the improvements and privileges thereto belonging in fee-simple," (and certain personal property,) "to her use, for the benefit of her and her children under age, and after they all come of age, to my wife—her natural life, for her to peaceably enjoy, and no longer. She to pay all taxes that may arise, and after her death the whole of this demise, both real and personal to be divided equally, share and share alike, between my seven children, five sons and two daughters," (naming them,) "or equally between all those of my children as shall then be living."

The will contains various other clauses, affecting other portions of the property of the testator, but has no residuary clause disposing of such portions of his estate as may not be embraced in the specific devises and bequests.

Four of the children are dead ; two, John and Joseph, leaving issue ; and James and Thomas, without issue ; and, the