and gave them the privilege of cutting from his lands in Anne
Arundel county, devised to his four unmarried daughters, "so
much wood and timber as might be necessary for the support
of the lands" devised to his said widow and son.

The lands out of which this privilege was granted were after-
wards sold under a decree of this court, with the understanding
that the widow and son of the testator, should receive out of
the proceeds of sale, so much in lieu of said privilege as the
Chancellor might deem right; and certain persons having
been appointed to value the same, they reported, that the widow
was entitled to receive $150 and the son $500.

At this stage of the proceedings a petition was filed by
Crouch and Lazenby, who had intermarried with two of the
parties entitled to a share of the proceeds of the land sold, and
who were also the purchasers thereof, objecting to the ratifica-
tion of this report, on the ground, that Walter Smith had, after
the sale of the property, removed from the premises a quantity
of wood and rail stuff which had been previously cut down by
him; and praying, in the event of the sale being ratified, that
the value of the wood and timber so cut, might be deducted
from the proportions of the valuation to be paid by the petition-
ers to said Smith.

The right of Walter Smith to exercise the privilege granted
him by his father's will, had never been called in question by
the previous proceedings, nor was any notice given by this pe-
tition of an attempt to resist it; but at the hearing, the counsel
for the petitioners contended that the testator, by a codicil to his
will, had revoked the privilege, and that said Walter was not
entitled to any allowance in lieu thereof.

The matter of this petition having been argued by counsel,
the Chancellor at this term, after stating the case, delivered his
opinion, as follows:]

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THE CHANCELLOR:

It appears by the evidence, that the wood and rails which
had been thus removed by Smith, amounting probably to some
sixty or eighty dollars in value, were cut by him prior to the