

JOSEPH J. GAMBRIL AND OTHERS,
 vs.
 RICHARD GAMBRIL AND OTHERS.

} MARCH TERM, 1853.

[ALLOWANCE TO TENANT FOR LIFE FOR IMPROVEMENTS.]

WHERE a tenant for life puts improvements upon property for the mutual accommodation of himself and those entitled in remainder, and the property is sold to promote the interests of all parties interested, he will be allowed the value of such improvements out of the proceeds of sale.

Though a mortgagee or a tenant in possession may not in all cases be allowed for new improvements, yet a party thinking himself absolutely entitled, who has expended considerable sums in repairs and lasting improvements, will be allowed for such expenditures.

The amount of the proceeds to be allowed a tenant for life for his interest in the property sold, depends upon his age and state of health at the time of sale.

[In this case, certain real estate was conveyed to a trustee; *in trust*, for the benefit of Richard Gambril for life, and after his death, for the benefit of his wife, in case she should survive him, during widowhood; and after her death or marriage, for the benefit of their child or children, and their heirs and assigns. It was proved that at the date of this deed, the dwelling-house on this farm was a small log-house, in a dilapidated condition, and an unhealthy location. That Richard Gambril, the tenant for life, lived in it until it became unfit for him and his children to remain in any longer, when he erected a new house, not more expensive in cost than was necessary for the comfort of his family, and that every economy was used in erecting said building, and that at this time it is worth more than \$3,000. Upon a bill filed by the infant, *cestui que trusts*, in remainder, alleging that it would be for the interest and advantage of all parties interested, that the property should be sold for the purpose of partition amongst them, according to their respective interests; a decree for that purpose was passed by the Chancellor, and the proceeds being distributed by the Auditor's accounts, certain exceptions