

seems to be well established that the human system, when laboring under a chronic affection, is measurably exempt from those acute and rapid attacks before which the vital principle rapidly gives way. Judging, therefore, from all before me, and being painfully conscious that I am to a great extent groping in the dark, I am persuaded that by approving the conclusion to which the Auditor has come upon this question, I am quite as, and perhaps more, likely to do justice to the parties than by adopting any other course. Considering the long series of years through which Mrs. Abercrombie's constitution has maintained her against the approaches of the disease which is gradually but slowly wearing away her life, I see no reason to suppose it may not yet be protracted for the period assumed by the Auditor, and therefore shall overrule the exception of the complainant in this respect.

The remaining question arises upon the third exception of the Insurance Company to the accounts reported by the Auditor, marked A, B, and E, because they do not give to the Company, as assignee of Mrs. Abercrombie, a proportionate part of the dividends on the stock sold, which had accrued up to the day of sale.

The stocks, it appears, were sold some short time before the declaration of the dividends, and it is of course conceded that the title to the dividends subsequently declared passed by the sale and transfer of the shares to the purchaser. There cannot, therefore, be any claim to a proportion of the dividends *as such*, nor has any such claim been asserted in the argument. The exception is pressed, not upon the ground that the Company is entitled to any part of the dividend received by the owner of the stock when it was declared, but upon the hypothesis that as the value of the stock must have been enhanced by the near approach of the period when a dividend might be expected, it is reasonable to presume its price in the market was improved in proportion to such enhancement in the value. That is, it is supposed the purchaser gave not only the value of the stock, irrespective of the dividend, but in addition thereto, the proportion of dividends which had accrued to the