

[The facts of the case are fully stated in the opinion of the Chancellor.]

THE CHANCELLOR:

The questions in controversy, raised by the pleadings in this case are, by an agreement filed on the 16th inst., reduced to two, and these are, *first*, as to the validity of the claim preferred in the bill, for interest on the sum of \$20,000, from the 25th of April, 1839, the day of the death of Mrs. Ann Donnell, to the 9th of June, 1842, when the said amount of \$20,000 in property was set aside for the complainant, Mary; *secondly*, as to the right of the defendant, Donnell, on the settlement of accounts with the defendant Howard, as shown by an Exhibit filed with the answer of the latter, to be credited for interest as therein charged, amounting to \$361 33 on the money advanced by said Donnell, to pay one-half of the commissions and expenses for dividing the estate of E. J. Williams, and setting apart the \$20,000 in property, as aforesaid, for the complainant Mary. By a supplemental agreement, the question first submitted was so far modified, as to leave the complainant's counsel at liberty to claim a proportion of the rents and profits of the estate of Mrs. Ann Donnell, received by the defendant Donnell, from the time of her death to the 9th of June, 1849, if the Court shall be of opinion that any of the averments of the bill raise such a claim. And it was further agreed that the complainant, Mary, notified the trustee Howard, in January, 1841, and afterwards, of her claim for interest on the \$20,000.

Whether the complainants are entitled to interest on the sum of \$20,000, or to a proportion of rents and profits, in lieu of interest, assuming the case made by the bill would justify a decree of the latter description, in the face of an exception denying such right, depends upon the true construction and legal effect of certain marriage articles entered into by Mrs. Ann Williams, the mother of the complainant Mary, and the defendant Donnell, on the 16th of September, 1849, just prior to their marriage. By these articles, Mrs. Williams