

1st, That by this election, the declaration of trust, so far as the son is concerned, is to be treated as a nullity, and the trust under the will extends to, and comprehends, the dividends upon the stock, which became due after the date of the will, as well as those which were declared previously.

2d, That the trusts created by the will in favor of the son take effect immediately upon the death of the testator, and are not suspended until the death of the widow of the testator.

3d, The will not having disposed of the portion of the stock given to the daughter and her children, and there being no expression in the will of the testator's wish that they should take thereunder, they are not required to elect to hold the stock under the will, or the declaration of trust.

A will operates upon whatever *personal* estate the testator dies possessed of, whether acquired before or after the execution of the instrument.

A testator confided to his wife, to whom he had given a large portion of his estate, the care and maintenance of his son, and after her death he charges upon his estate an annuity of \$600 per annum, and provides that this annuity, with all the other property given to his son by his will, should be held in trust by his executor "for the use and benefit of his son during his natural life," and declared "his intention" to be to assure to him "an ample and independent support," so far as the law will allow. HELD—

That the income of the trust estate was to be paid over to the son during the life of the testator's widow, and not to accumulate during that time, and form part of the principal; it was not the testator's intention to give his son, during the life of his wife, a mere indefinite claim upon her for care and maintenance.

[The following are the substantial facts in this case. The late Chancellor Bland, by a declaration of trust, (the terms of which are sufficiently stated in the first of the following opinions in this case,) dated the 20th of December, 1843, settled upon his son William G. Bland, and his daughter, Mrs. Mayo, certain shares of bank stock, formerly belonging to Sophia Bland, his sister, and to which he was entitled, as administrator and distributee, and afterwards, to wit, on the 2d of May, 1845, executed his will, the material provisions of which, so far as they relate to this case, are the following :

"I, Theodorick Bland, after much consideration of the peculiar circumstances of my family, do make this my last will for the disposition of all my property after my death."

"I do hereby give and devise all my property, real and personal, of every description, except Blandair, and the slaves, with their increase, which I derived in a course of distribution