

the association by the testator of the word "hire" with the word "use" the issue of the slaves bequeathed to the grand-children might have been sold as profits from the use, for the maintenance and education of his grand-children, which clearly was not his design, the hire or use being only appropriated to these objects. Now suppose, instead of the word "hire" being used in connection with the word "use," the testator had employed the word "income," as in this case, and had directed the "income or use" to be applied to maintain and educate his grand-children, would not the consequence have been the same? I am clearly of opinion it would, and that if the words hire or use merely give to the legatee the right to the service and labor of the slaves, the words "income or use" employed in connection can do no more, and that the word "income," standing alone, cannot give a greater right than it would give if associated with the word "use." The object we are endeavoring to arrive at is the intention of the testator, because, that, unless opposed to some inflexible rule or stern legal policy which will admit of no compromise, must regulate the decision of the cause. The word "hire," we have seen, though coupled with the word "use," will not give title to the increase of the female slaves whose hire or use is bequeathed upon the ground that so to construe the bequest would be repugnant to the design of the testator, who, when expressing his meaning in such language, must be presumed to intend to give no more than the service and labor of the slaves. But if such is the consequence of the word "hire," I am at a loss to conceive how the word "income" can have the effect contended for, since the income derivable from slaves is derived, either from their hire or service and labor when employed by the owner.

My opinion is, that when the testator directed the "income" of the estate, left in trust, to be applied to the mutual benefit of his uncle and aunt, he meant the annual income and no more. Certainly, I presume, he so intended with reference to the real estate, and it strikes me, that it would be doing great violence to his meaning, to suppose he intended that these objects of his bounty should receive more than the profits proceeding from