

one-third to Mrs. Conner, \$343 44, and the residue to Mary R., Laura and John T. Bevans, giving to each \$228 97.

On the 23d of October, 1835, upon application of Mrs. Conner and her husband, Dr. John Ridout was appointed, by order of the Chancellor, trustee for Mrs. Conner, in place of John Addison, who had recently died, and duly qualified as such.

Mrs. Conner died in July, 1842, and on the 11th of June, 1844, John T. Bevans filed a petition in the cause alleging that he and his sister Laura Bevans, were, under the will of their grandmother, solely entitled to the stock held by the said Ridout, in trust for his mother during her life, and praying that the Chancellor would direct the trustee to divide the same between them. This petition was answered by the Conners, the children of the second marriage, who insisted that by the will of their grandmother, they, as well as the Bevans, were entitled to the support, maintenance and education out of the income of the trust estate therein provided for the children of Mrs. Bevans, during the life of their mother, and after her death, to an equal distributive share of the principal fund. Upon this petition and answer, the Chancellor, (*Bland*.) on the 20th of November, 1844, passed the following important order.

“Ordered, that this case be, and the same is hereby referred to the Auditor, with directions to state an account or accounts making a distribution of the estate among the said parties, from the proceedings and proofs now in the case, and from such other proofs as may be laid before him. According to the terms of the bequest of the testatrix, Henry M. Ogle, deceased, her daughter Mary, and all her children, as well those of her second as of her first marriage, are entitled to participate in the benefit of nothing more than the rents, profits, interests and dividends arising from the property bequeathed, during the lifetime of Mary, giving to each of her children a due proportion thereof, for the purposes of its maintenance and education, only during its minority, from the time of its birth or death of the testatrix, until its death, or the marriage of a female, or the death of its mother; and for this purpose all payments of such profits to the mother, or by the said trustees, for such