WILL AND TESTAMENT—*Continued.*

will; one of the exceptions to presumptive ademption is, where the testamentary provision and the subsequent advancement are not *ejusdem generis*. *Ib.*

7. These legacies to the sons are payable out of the personal estate alone, and that being insufficient, they have no right to resort to the real estate in the hands of the devisee. *Ib.*
8. A testator directed "his funeral expenses and debts to be paid out of whatever part of his estate his executors shall think proper." HELD—
   That if this clause confers upon the executors the power to sell the real estate, it only authorizes them to do so for the purpose of paying funeral charges and debts. *Ib.*
9. The real estate is never charged with the payment of legacies, unless the intention so to charge it is expressly declared, or is fairly and plainly to be inferred from the terms of the will. *Ib.*
10. A testator declared by his will, that if any claim was made against his estate on account of certain notes drawn by him in favor of his daughters or their husbands, his executors should charge the sums paid by his estate on account thereof to his daughters. These notes the testator paid in his lifetime, and lived more than two years thereafter without changing his will. HELD—
    That the provision made in his will for his daughters could not be diminished on account of the payment of these notes. *Ib.*
11. A testator devised certain lands in trust for "the use and benefit" of his daughter during the life of her husband, directing the trustees not to pay the proceeds to him, but any "receipts or writings witnessing the payment of such proceeds or profits to his daughter shall be a sufficient discharge of said trustees." HELD—
    That the daughter was entitled during the life of her husband to receive the proceeds of the trust estate, and having the power to receive, she had the correlative power to dispose of them, at least for the support of herself and children. *Gill* vs. *Clagett*, 153.
12. A testator devised a farm "with all the rest of his negroes, stock of every description and plantation utensils, in trust," that "the *income* arising therefrom" be applied to the benefit of his uncle and aunt during their lives, and then over. HELD—
    That the increase of the female slaves born during the life of the uncle and aunt, did not belong to the legatees for life but pass to those entitled in remainder. *Holmes* vs. *Mitchell*, 162.
13. A testator by his will manumitted his negroes, and devised certain real estate to a trustee "in trust to be rented out by him, and the rents and profits to be received by him and annually paid to" said negroes, "or their order, attested by some justice of the peace," and directed the trustee, upon the death of any of these legatees to pay over "whatever property he shall then have, as trustee to the legal representa-