

WILL AND TESTAMENT—*Continued.*

tives and heirs at law of the deceased, unless the deceased shall make some other appointment by his last will and testament duly executed." He then gave the trustee the power to sell the lands, with the desire of the *cestui que trusts* of full age, and invest the proceeds in some safe securities for their benefit, but this power he revoked by a codicil, and expressed a desire that no part of the trust estate should be sold.
HELD—

That by this will the negroes had no power in their lifetime to make an absolute disposition of this property. *Robinson vs. Robinson*, 176.

14. In the judicial interpretation of wills, the intention of the testator, to be gathered from the entire instrument, must prevail, unless it violates some established principle of law. *Ib.*
15. A testator, by his will, executed in 1786, gave to his wife a legacy of £2250, and an annuity of "£500 during her natural life, to be secured to her out of the rents of his estate," and devised to his brother the residue of the estate, "after the above will is complied with." The legacy being unpaid and the annuity in arrear, a decree was passed in 1790, charging the rents of all the lands of the testator, with the payment of the annuity due and to become due, *in the first place*, and *after said payment*, declaring the reversion chargeable with the payment of the legacy. The property was subsequently sold, and the proceeds proved insufficient to pay the arrears of the annuity. HELD—

That both the legacy and annuity are by the decree of 1790, treated as a charge upon the real estate of the testator in the hands of his residuary devisee, and the same decree settles the question of priority of payment between the annuity and legacy by declaring that the former must *be paid first*. *Crabb vs. Moale*, 219.

16. A testator devised real and personal estate to certain trustees, "to them and the survivor of them, and the heirs, executors and administrators of the survivor" in trust "that the said trustees or the survivor of them, or the person or persons who may succeed them in the trust," may from time to time change the investments of the stocks and the proceeds thereof "with any accumulations of the fund generally," to reinvest, &c. HELD—

That it was the intention of the testator that the real and personal estate should remain in the same hands, and the trust was not transmitted to the executor of the surviving trustee, but the whole trust became vacant upon his death. *McKim vs. Handy*, 228.

17. A testator devised certain property in trust, and directed the trustee to pay to each of his grandchildren born and to be born, the sum of one thousand dollars, "if they live to attain lawful age." One of the female grandchildren died after attaining eighteen years of age, but before twenty-one. HELD—

That this legacy vested upon her attaining eighteen years of age, the intention of the testator being that the legacy should be paid