

his daughter *Kitty*; and then declared, that his wife and daughters, and her son, should have a home at his mansion house, &c. The auditor understands, that the guardian for the said *Walter* and *Kitty*, contends, that the last will of *Baruck Duckett*, deceased, conferred on the testator *William*, a power of appointment merely; and that the said *Kitty* and *Walter*, as his appointees are seized of the absolute fee simple of the real estate of the said *Baruck*, freed from the charges for the payment of debts and support of the family, which the testator *William*, has attempted to impose thereon. The other devisees of the testator *William*, insist, that the said *Walter* and *Kitty* cannot claim the aforesaid real estate, in any other manner than as it is devised to them; or if they can and will claim the said real estate, free from the aforesaid charges, then they must abandon all other benefit which might otherwise accrue to them from the will of their father.

And, in conclusion, the auditor further reports and observes, that the question of election is then supposed to be, whether it will be more to the advantage of the said *Walter* and *Kitty*, to take an unincumbered fee simple in the said real estate, than to take the same with the charges imposed by the will of their father, and the benefits conferred on them by that will. As to the defendant *Kitty*, it is clearly for her interest to take under her father's will. Her share of the real estate of her grandfather *Duckett*, is valued at \$4,500. The real estate devised to her by her father, is valued at \$8,400; and the personal estate at \$4,187 14. The income which she might derive from the estate of her grandfather, is estimated at \$180 *per annum*. Her expenses, which have been charged upon, and have been defrayed out of the profits of the aggregate estate, are estimated at \$468 75 *per annum*. The real estate of the said *Baruck Duckett*, deceased, which is devised to the said *Walter* by his father, is valued at \$17,000. Its annual income is estimated at \$680. The father having died in 1826, and the charges for payment of debts, and support of the family, being limited to the said *Walter's* arrival at age, which will happen in 1832, the value of those charges may be estimated at \$4,080. His expenses, which are charged upon and have been defrayed out of the profits of the aggregate, are estimated at \$593 75 *per annum*; or for the term aforesaid, at \$3,562 50. The realty devised by the father, is valued at \$6,200; and the personalty at \$4,187 14; making the advantages to be derived from the father's will, amount to \$13,049 64. All which, is respectfully submitted.