

of seventeen and she was his age of twenty one during her life. And the Court being also of opinion that the death of the son under the age of twenty one did not terminate the defendant Mary McKello's interest in the slaves and slaves given to him by the will of his father. And she is entitled to hold the same and take the profits to her own use until the time when the son would have attained the age of twenty one had he lived and that after that period she is entitled to a support during her life and widowhood which is a charge upon the land and slaves devised and bequeathed to the son. The Court is likewise of opinion that upon the death of William P. McKello under age and intestate and without children the real estate devised to him descended to his two sisters Margaret B. and Louisa M. B. for the charge of contributing to the support of the said defendant Mary McKello and that the slaves and other personal property bequeathed to the said William P. were to be divided between his most of them to wit: his mother and two sisters in fee simple after he would have attained the age of twenty one in equal proportions and subject to the charge aforesaid. And the Court with therefore in order to carry out these principles adjudge order and decree that Mary McKello settle before Commissioner Robt. an account of the profits and profits of the estate accruing subsequently to the period at which William P. McKello would have attained the age of twenty one years and also report what would be a reasonable and sufficient support to be charged upon the said estate devised and bequeathed to Mrs. P. McKello in ascertaining which he will take into consideration her condition in life compared with the property upon which it is charged stating only a proportion of that support which shall bear the same ratio to the whole that the annual value of her third of three slaves bears to the annual value of this whole property land and slaves and the said Commissioner is hereby directed to audit said and settle the said account and to make report to this Court in order to final decree.

Benjamin Simmons and Louisa his wife
against

Jeremiah Robt. Executor of Benjamin Robt. dec. and Mary B. Dwyer adms. John Dwyer dec.

This cause this day came on to be further heard, and the papers formally read and the report of the Commissioner made pursuant to an order of this Court made on the day of April 1834 to which exceptions were filed and was argued by counsel. On consideration whereof the Court approving and confirming the report of the Commissioner so far as respects the second and third accounts in the said report stated and mentioned and sustaining the exceptions in relation to the first account in the said report stated and over ruling the second exception doth adjudge order and decree that Jeremiah Robt. Executor of Benjamin Robt. dec. out of the good and chattels of his father in his hands to be administered as pay to the complainant Louisa Simmons the sum of sixty eight dollars and ninety one cents with interest on forty seven dollars and thirteen cents from the 23rd November 1827 till paid and that the said free Robt. administrator do bring and deliver to John Dwyer dec. out of the goods and chattels of the said account in his hands to be administered as pay to the

Off. Clerk's By

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Comm 7.00
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d. dec. 75
13 8 43.42
14 6 7.75
23 9 51.17

for of