

nature, should take effect from the day of the death of the testator; 2 *Mad. Chan.* 83; but as the date of that event has not been clearly shewn, I shall direct the years to be reckoned from the 25th \* of June, 1803, the day on which the testator's will was authenticated. **298**

Whereupon it is decreed, that the report of the auditor be confirmed; that William Owings forthwith pay, or bring into this Court to be paid unto John Cromwell, for the use of Rebecca Owings, the sum of \$6,476.91, together with legal interest on \$3,834.67, part thereof, from the 13th day of the present month, until brought in or paid; that John Cromwell and Urath his wife are hereby appointed trustees of the property of Rebecca, with full authority to demand, receive and apply the same towards her maintenance and for her benefit, under the directions of this Court; which property and money they shall deliver up, pay or bring into Court, as may be required; and they shall render an account thereof on oath to this Court from time to time, at least once in each and every year during the life of Rebecca, or until the further order of this Court; that John Cromwell, before he and the said Urath his wife shall enter upon the duties of this trust, give bond to the State, in the penalty of fifteen thousand dollars, with surety to be approved by the Chancellor, for the faithful performance of the trust reposed in them by this or any future decree or order in the premises;—and that the defendant pay to the plaintiffs their full costs, to be taxed by the register.

Upon the application of the plaintiffs a *feri facias* was on the 3rd of April, 1828, ordered in general terms on this decree, but it does not appear that it was ever executed or returned. On the 6th of January, 1830, John Cromwell, one of the plaintiffs, by his petition stated, that Rebecca Owings died on the 19th of August, 1828; that he had maintained her in his house, with every comfort, during eighteen years prior to her death; and had often attended her in his professional character of a physician; that he had expended considerable sums of money in fees to lawyers, and costs of suit in defending her rights and interests; and that no part of the amount decreed to her had been paid. Upon which he prayed, that the whole amount of his account might be ordered to be paid out of the sum of money so decreed to the late Rebecca Owings.

BLAND, C., 12th January, 1830.—The sum decreed to the late Rebecca Owings should have been paid to her trustees as directed by the decree; but that not having been done, as is alleged by this petitioner, and the case having abated by the death of Rebecca, it must be regularly revived before the decree can be \* enforced for the benefit of any one. On the death of **299** Rebecca all the rights and authority of the petitioner John Crom-