

WILL AND TESTAMENT—*Continued.*

- took an estate for life ; for a period thereof, to be held by her, for the benefit of herself and her children ; that is, during their minority. Upon the children attaining their full age, the widow still living, her estate would continue until her death, disencumbered of any charge on account of the children, and upon her demise the limitation over for life to the children would take effect, and upon their death, the inheritance would pass to the heirs at law of the testator as property undisposed of by the will. *Moody vs. Elliott*, 290.
9. A testator devised his lands to his executor to be sold, and gave a legacy of \$2,000 to his niece, to be paid her out of the proceeds of the sale of his real estate, **HELD**—That the surviving husband of the niece had the same title to demand this legacy bequeathed his wife, as if it had been payable out of the personal estate of the testator, and that it made no difference whether the wife died before or after the sale actually took place. *Thomas vs. Wood*, 296.
 10. It is the duty of the courts to give effect to every part of a will, without change or rejection, provided, an effect can be given to it not inconsistent with the general intent of the whole will taken together. *Pue vs. Pue*, 382.
 11. Where there are two conflicting clauses, the principle is, that you are not to disturb the prior devise farther than is absolutely necessary for the purpose of giving effect to the posterior qualifying disposition. *Ib.*
 12. Where a testator uses, in one part of his will, words having a clear meaning in law, and in another part, words inconsistent with the former, the first words are to be cancelled and overthrown, only, when the two provisions are totally inconsistent with each other, and where the real intention of the testator cannot be ascertained. *Ib.*
 13. It is now fully established that the general intent of the testator, though first expressed, will overrule the particular intent. *Ib.*
 14. A testator, by his will, manumitted certain negroes, and after giving then a pecuniary legacy, devised as follows : "I will and devise that my executor shall cause to be erected on some part of my farm, called Rose Hill, (the place to be selected by the above manumitted negroes,) a good substantial dwelling house, with one brick chimney, which house, together with two acres of land adjoining thereto, I give and devise to the above manumitted negroes and their heirs forever. **HELD**—
That the testator intended, by this devise, to provide the negroes in question with a habitation to live in, and as this intent comes in conflict with the policy of the legislature, which forbids persons in their situation from remaining in the state, unless upon terms incompatible with the unrestricted enjoyment of the devise, the latter must fail. *Negro Monica vs. Mitchell*, 356.
 15. A testator devised and bequeathed certain portions of his real and personal estate to trustees, in trust for his daughter, during her life, and after her death, in trust for any child, or children, she might have, with direction that the trustees, or the survivor of them, should, after