

WILL AND TESTAMENT—*Continued.*

the will, and of its contents; the will in this state being open to inspection upon the public records. *Williamson vs. Morton*, 94.

2. A testator bequeathed to his wife, \$500 annually, whilst she remained his widow, "to be paid to her by his two sons, E. and F., by them and their heirs jointly, \$250 by each; but in case his widow should marry, they were to pay her one-half of that sum equally between them;" and declared the said bequest to be in lieu of, and in full satisfaction for, his wife's dower in his real, and her thirds of his personal, estate. To his said sons, E. and F., he devised large portions of his real estate. The widow elected to abide by the provisions of the will. **HELD—**

That since the case of *Crawford vs. Severson*, 5 *Gill*, 443, it would be difficult to maintain that this bequest was not a charge upon the lands devised to E. and F., the parties by whom it was to be paid; yet this being an annuity of uncertain donation, there may be reasons which would not apply to a legacy, or other claim which would be at once paid off. *Chew vs. The Farmers' Bank*, 232.

3. There can be no doubt, that though the lands may be charged with this annuity, the devisees, E. and F., are also personally responsible for its payment. *Ib.*

WITNESS.

See EVIDENCE, 6, 9.