

of the party who took out this warrant, but even if there was, I am satisfied from the evidence that the title was at one time in Richard Goodwin, and that he has heirs now living upon whom it descended, and, consequently, that the land is not liable to escheat. I am also of opinion from the evidence, that there is no vacancy, the whole having been held and used as part and parcel of the original tract, and, therefore, the caveat must be ruled good.

A. RANDALL, for the Caveator.

STOCKETT and ALEXANDER, for Caveatee.

WILLIAM HOLMES
vs.
WALTER MITCHELL ET AL.

} MARCH TERM, 1850.

[INCREASE OF FEMALE SLAVES.]

A TESTATOR devised a farm "with all the rest of his negroes, stock of every description and plantation utensils, in trust," that "the *income* arising therefrom" be applied to the benefit of his uncle and aunt during their lives, and then over. HELD—That the increase of the female slaves born during the life of the uncle and aunt, did not belong to the legatees for life but pass to those entitled in remainder.

[In this case but one question was raised, and that is fully stated in the opinion of the Chancellor.]

THE CHANCELLOR:

The decision of the question raised by the pleadings in this case depends upon the construction which should be given to the will of Ignatius Semmes, deceased, or rather, to the following clause of that will, for, as it seems to me, the other parts of the will throw no light upon the subject. The clause in question is as follows: "I give and devise to Walter Mitchell, Esq., my farm called Rose Hill, together with all the rest of my negroes, stock of every description, and plantation utensils,