Page 552. "In the consideration of this case it would be difficult to refer to the numerous cases which relate to subject, much more to attempt to reconcile them with each other. That there is some conflict of opinion on the subject, cannot be denied. The later and more modern decisions, however, seem to favor a more liberal construction of deeds and wills in order to reach the real intention of the makers, and therefore in all cases where an estate is devised or conveyed to trustees for the separate use of a married woman and her heirs, this Court will, if possible, so construe the instrument as to vest the legal estate in the trustees because such a construction will best effectuate the intention of the donor" — The same Court on the following page of their opinion, in commenting on the case in Tickering and McFord says — "In each, the only duty imposed upon the trustees was to hold the estate for the sole and separate of the wife, and it was held in both cases that because a separate provision was intended to be made for the wife, it was sufficient to prevent execution of the estate in her"

This seems to have been the only duty imposed on the trustee in this case and it was clearly the intention of the testator to make a separate provision for his daughter Rachel, who was at the time the of Samuel Griffith an intemperate and imprudent man. Entertaining these and believing the case comes within the law declared in the case of Ware et al vs Richards, we are of opinion that

under the will of Lydia Griffith, the said Rachel W. Griffith took a mere Equitable life estate in the said one hundred and sixty acres of land, and that the legal estate therein vested in the heirs of said Rachel W. Griffith in fee.

And as the proof in this cause show that said land will not admit of advantageous partition among all the parties interested, but that it would be to the interest and advantage of all the parties, that said real estate should be sold for the purpose of distributing the proceeds among them, the Court will so decree.

It is thereupon this 30: day of January in the year, Eighteen hundred and sixty nine by the Circuit Court for Frederick County, as a Court of Equity and by the authority thereof, adjudged, ordered and decreed, that the land and premises mentioned in these proceedings be sold, and that Joseph Wood Esq. of Frederick County, be and he is hereby appointed Trustee to make said sale, and the manner and course of his proceeding shall be as follows:

He shall first file in the Clerks office of this Court a Bond to the State of Maryland, Executed by himself with a surety or sureties to be approved by the Court, or the Clerk thereof, in the penalty of Six thousand dollars ($6000) conditioned for the faithful performance of the trust reposed in him by this decree, or which may be reposed in him by any future order or decree in the premises. He shall then proceed to make sale of the said real estate having given at least three weeks previous notice inserted in some newspaper printed in Frederick