1068

Ignatius Digges by his will dated March 25. 1783, after giving to his grandson Ignatius Digges Lee real and personal property to a large amount, devised as follows:- "in case my said grandson should die before he arrives to the age of one and twenty, or the day of Marriage, then I leave and bequeath to my daughter Mary Lee and her heirs forever all the above legacies left to my grandson Ignatius Digges Lee in order that she may the better be enabled to provide for her other children"- Mrs Lee died some years ago intestate & in the life time of her husband.- Many of the slaves given to Mrs Lee, by the above recited clause in the will of Mr. Digges were sold by Mr. Lee and the money received by him. Mr. Lee died a short time ago leaving a large real and personal estate; and a question has arisen whether the estate of Mr. Lee is liable to the children, for the money received by him for the slaves above mentioned.- In other words, whether the property devised to Mrs Lee by the will of Mr. Digges as above stated, was in trust for the benefit of her children

It is well settled that words in a will expressing desire request or recommendation on the part of the testator in cases

MdHS 1974 [1296-1068]