

interest. The tables of Dr. Halley, founded upon observations at an earlier period, as to the duration of human life, and which were adopted by the Chancellor, in the case of *Dorsey vs. Smith*, reported in 7 *H. & J.*, 345, were repudiated by the Court of Appeals in that case, and it was deemed better, and more just, to apply, by analogy, the rule long before, and still followed in this court, for the purpose of fixing the allowance to a woman, in lieu of dower in land, sold under the decrees of the court. In the case of *Dorsey vs. Smith*, it became necessary to ascertain the present value of a legacy purchased before it was due, being payable in one year after the death of a party then living, and who was shown at the date of the purchase, to have been about forty years of age, and the court adopting the rule referred to, regulated the amount accordingly. The case now under consideration, cannot, I think, be distinguished from that, the legacy in *Dorsey vs. Smith* being payable in one year from the death of a living person, its present value depended upon the probable duration of the existence of such person, and the court instead of resorting to those tables, which had been formed from observations made in other climates, and at different periods, and upon which the expectation of life, in those climates, and at those periods, might be calculated with a sufficient degree of certainty, rejected them as unsafe guides here, and in this age, and chose rather to rely upon the ancient rule of this court, as more likely to subserve the purposes of justice. But if these tables were unfit to be adopted, as not suitable to this state, without being tested by a long series of observations here, as the Court of Appeals expressly affirm; and if the probable duration of the life of the party, in *Dorsey and Smith*, could be better ascertained by applying the Chancery rule before referred to, why should not the same rule be adopted in this case?

The object here is to ascertain as near as may be, the probable duration of the life of Mrs. Mary Ayres, a person, as stated by the Auditor, proved to be fifty-five years of age. The object in the other case, was to determine in the same way, the probable duration of the life of Mrs. Dorsey, shown to have