

estate, she should be recompensed out of the residue thereof, so far as to place her in the same situation as if she had renounced the will. When it is said that the widow, standing by the will of her husband, is to be considered as a purchaser with a fair consideration, it cannot be meant that she is so to be regarded, whatever may be the extent of the devise to her. Because, if that were so, the rights of the creditors of the husband would be entirely at his mercy. He might defeat them by devising his whole real estate to his wife. But the sound and just rule must be, that she is to be considered as a purchaser of the devise to the value of her share or legal right; and such is the view of the Chief Justice in *Coomes vs. Clements*, and the decision of the late Chancellor in *Margaret Hall's case*, 1 *Bland*, 203.

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[The remaining question was, whether the pecuniary legacies were a charge upon the manumitted property, in case the other personal property should prove insufficient to pay both debts and legacies? And, as to this, the Chancellor said:]

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It is stated, and the statement seems to be supported by the accounts of the executor passed in the Orphans Court, that the personal estate, independently of the slaves, is quite sufficient to pay the debts, and I can, therefore, see no reason why they should not receive the benefit intended to be conferred upon them by the will. The Court of Appeals in the case of *Allein vs. Sharp*, 7 *G. & J.*, 96, decided that the act of 1796, ch. 67, charged the whole of the manumitter's property with the payment of his debts in favor of his manumitted slaves, and that in a judicial proceeding to determine the invalidity of a deed of manumission, as being in prejudice of creditors, the negro manumitted is entitled to the assistance of the heir at law, or the person holding the real estate, in taking an account of the amount thereof, before the insolvency of the deceased manumitter can be legally ascertained. But, in this case, the real estate is devised to be sold, and after the payment of debts the residue of the proceeds of sale is directed to be distributed