

but they deny that the personal estate of the testator is insufficient for the payment of the debts & legacies of the testator they also deny the legality of the legacy to the Complainant or that they are Capable of taking the freedom under and by virtue of the bequest of the said Vice. Application to the answer was filed & the testimony was regularly taken & filed in the Cause. In the examination of this Cause three points qua puerantia are presented for Consideration And have been suggested by the Solicitor of the respective parties 1st Are the Complainants Capable of receiving their freedom under & by virtue of the bequest in the Will. 2<sup>d</sup> Is the personal Estate sufficient to discharge of the Complainants & other manumitted servants to pay the debts and legacies of the testator. 3<sup>d</sup> Have the Complainants a right in Equity to proceed against the real estate of the testator devised in the residuary clause of his will as charged with the payment of his debts and to seek a sale thereof and to have the proceeds applied to that purpose to their satisfaction 1st Are the Complainants Capable of receiving the freedom under & by virtue of the bequest in the Will. As a general proposition slaves possess no civil rights in this State that by the act of 1796 Sect. 3<sup>d</sup> it is declared that From and after the passage of this act it shall and may be lawful for every person or persons Capable in law to make a valid will and testament to grant freedom to and effect the emancipation of any slave or slaves belonging to such person or persons by his her or their last will & testament and such emancipation of any slave or slaves may be made to take effect at the death of the testator or testatrix or at such other periods as may be limited in such last will & testament shall be effectual to give freedom to any slave or slaves of the same shall be in prejudice of Creditors only unless the said slave or slaves shall be under the age of 15 years and able to work again or sufficient maintenance and livelihood at the time the freedom given shall Commence. By these clear provisions of this act any slave or slaves have a Capacity to receive freedom subject to the restrictions imposed by the act. The restrictions of the act of 1796 as to age at which slaves may be manumitted and as to their ability to work & gain a sufficient livelihood and imposed by the act of 1831 - Ch 287

Long vs. Meigs, 7 Md. Rep. 455. Meigs vs. Holby, 8 Md. Rep. 581. As the law now stands in Maryland any slave or slaves are Capable of receiving freedom by deed or will provided it is not in prejudice of Creditors. If the property of the testator properly charged with the payment of debts is sufficient for that purpose without a credit to her manumitted servant then clearly the last restriction of the act must