In equity, where a debtor bequeaths to his creditor a legacy, equal to or exceeding the amount of his debt, it may be presumed, in the absence of a contrary intention, that the legacy was meant as a satisfaction for the debt. The rule has not, however met with general approbation, and does not apply where the debt did not exist when the will was made, or where it was upon a negotiable security, which might be then in the hands of a stranger; or where the debt was due upon a current account, the amount of which was unknown to the testator. *Rawlins* v. *Powell*, 1 *P. Will.* 298; *Jeffs* v. *Wood*, 2 *P. Will.* 130; *Thomas* v. *Bennett*, 2 *P. Will.* 343; *Fowler* v. *Fowler*, 3 *P. Will.* 353; *Matthews* v. *Matthews*, 2 *Ves.* 636; *Richardson* v. *Greese*, 3 *Atk.* 65; *Hinchcliffe* v. *Hinchcliffe*, 3 *Ves.* 529; *Carr* v. *Eastbrooke*, 3 *Ves.* 561; *Wathen* v. *Smith*, 4 *Mad.* 325; *Partridge* v. *Partridge*, 2 *H. & J.* 63; *Edelon* v. *Dent*, 2 *G. & J.* 185. Here the testator might well know that he was accountable to his children for the profits of the legacy of negroes which had been given to them by their grandfather; but there is no reason whatever to believe that he then knew the amount; or from any expression in his will, that he meant any bequest he made them should be considered as a satisfaction of a debt. On the contrary he expressly refers to the will of the testator Baruck, and then distinctly indicates how far what he gave should control or modify any right they might deduce from the will of their grandfather, without the most distant allusion to any claim they had upon him, because of his having *received the profits of their negroes. Consequently, the legacies given by the testator William can, **626** in no respect, be considered as a satisfaction of this claim of his children.

I am, therefore, of the opinion that the one-third of the negroes given by the testator Baruck to the rest of the children of his daughter Kitty must be regarded as a specific legacy of things which passed at the time of his death; as an immediate gift of a fund with all its produce; and that, therefore, the legatees of these negroes became entitled to their profits immediately from and after the death of the testator Baruck; and their father, who held these negroes, as their guardian, must be charged with the profits of them from the time of the death of the testator Baruck down to the time of his own death, when they passed into other hands; but more especially because by his will he put these legatees to their election as to the use of these same negroes, which then remained in his possession; and under the designation of "the family slaves" were a part of that property he directed to be kept together for the use of the family. *Kirby* v. *Potter*, 4 *Ves.* 748; *Raven* v. *Waite*, 1 *Swan.* 557. But in making this estimate of the amount of the profits of these negroes due to each one of these legatees, it will, of course, be recollected that no one of them can