

to establish the voluntary and fraudulent character of the deed, which I should be compelled to do if a party was before the Court competent to impeach it. There can be no doubt, of course, that, however the conveyance might be successfully assailed by a creditor of the grantor, it is good against him, and volunteers claiming under him. And there is as little room to doubt that though a husband cannot by *will* deprive his wife of her reasonable share of his personal estate, he has the power to dispose absolutely of this description of property during his life, by sale or gift, and, if he thinks proper, gratuitously to part with his personal property in his lifetime, reserving no right to himself, then, though the transfer was made to defeat the claim of the wife, it will prevail against her. But if the conveyance or transfer be a mere device or contrivance by which the husband, not parting with the absolute dominion over the property during his life, seeks at his death to deny his widow that share of his personal estate which the law would assign to her, then it will be ineffectual against her. This was the conclusion to which I came upon an examination of the authorities in the case of *Hays vs. Henry*, 1 *Maryland Chancery Decisions*, 337.

In this case the bill of sale from Levin to Samuel Dunnock is absolute and unconditional upon its face, and the possession and control of the negroes appear to have gone along with the conveyance. In the deposition of *Stewart Vickers*, something is said about what the witness calls an off-set, which he says he slightly looked over, and by which Samuel was to return the negroes to Levin when he called for them, or forfeit \$1200. This proof in regard to the paper called the off-set is objected to by the defendant's counsel, the paper not being produced or its absence accounted for, and it is very clear that without producing it or accounting for its absence, its contents could not be proved by parol. The same witness further proved that Levin "did not say whether he had or had not received any money for the negroes;" "the way they talked (but I do not recollect the exact words) was that he had made a bill of sale of his negroes to deprive his wife of them; that he was going off, and did not know whether he would ever come here