

1827; James, aged twenty-three, to be free on the 1st of January, 1827; Little James, aged twenty, to be free on the 1st of January, 1828; William, aged one year, to be free on the 1st of March, 1840; woman Nancy, aged nineteen, to be free on the 1st of January, 1827, and all the increase of the said Nancy born during the time of her servitude to serve, if males, twenty-one years, and if females, eighteen years. Woman Minta, aged seventeen, to be free on the 1st of January, 1824, and all the increase of the said Minta born during the time of her servitude, to serve, if males, to the age of twenty-one years, and if females, eighteen years, and the increase of the above women, born after their term of servitude is expired, to be free to their latest generations."

Hutton died in 1832, and on the 25th of October, 1833, negro Jim Sharp, one of the negroes manumitted by the above instrument, filed his petition for freedom in Anne Arundel County Court, against Thomas Allein, the administrator of Hutton, who had taken possession of him, and returned him in the inventory as a part of Hutton's estate. The right of the petitioner to his freedom was resisted by the administrator, on the ground that Hutton, at and before the period of the execution of the said deed of manumission, was in insolvent circumstances, being indebted to an amount exceeding the value of all his property of every description, including the negroes manumitted by said deed, and that the same was fraudulent as to the creditors of said Hutton.

This case was brought before the Court of Appeals upon appeal by the administrator, and that court, at its June term, 1835, decided that in the suit for the petition for freedom, "the question whether the estate of the deceased was sufficient to pay his debts, could not be legally decided, so as to deprive the petitioner of his right to freedom, and that the proper remedy in such a case is by a bill in equity where the manumitted slaves and all proper parties can be brought before the court, and where an account may be taken of all the property of the deceased, both real and personal, and if that should be found inadequate to the payment of his debts, the manumitted slaves