

WILL AND TESTAMENT—Continued.

- and imposed upon him the same obligations by which he would have been bound by the will.
- 6th. The trustee having paid into court the proceeds of the real estate, in pursuance of the order of the Chancellor, he is not responsible afterwards to any person who may establish a claim to them, as he acted under the authority of a court of competent jurisdiction. *Conner vs. Ogle*, 425.
21. A testatrix, after bequest of some specific articles of plate, bequeathed as follow, "the rest of my plate I should wish to be divided among the children of my daughter, unless my trustees should think it most advisable to sell it for their use." HELD—
That the residue of the plate so bequeathed, vested immediately on the death of the testatrix in the children of her daughter then born, and the power to the trustees to sell does not extend to the death of the daughter, but must be exercised within a reasonable time; but jewels cannot be deemed plate. *Ib.*
22. A testator devised all his estate, real, personal and mixed, to his brother in fee, "on those terms and conditions," viz. "after all my debts are paid, he is to call in two discreet persons to make an estimate of the real value of all my estate," and then adding to his own children two sons of the testator's deceased brother, and a son of his niece, he is to ascertain "what my estate will divide into," and pay to each of the three last named parties on their arrival at twenty-one "a sum that will put them each on a footing with his own children." HELD—
1st. That the estimate of his property is not to be made irrespective of the debts of the testator, but exclusive of them, and by accepting this devise, the testator's brother did not become personally bound to pay the legacies above directed, whether the estate was sufficient to pay its debts or not.
2d. The acceptance of this devise by the testator's brother, did not operate as an extinguishment of a debt due by the testator to him, and the legatees have no right to plead the statute of limitations against his claim, either as to the real or personal estate, he alone having the right to interpose this plea to claims against the testator. *Spencer vs. Spencer*, 456.
23. As a general rule, where lands are devised charged with the payment of a legacy, and the devisee accepts the devise, he becomes personally liable for the legacy, and must pay it whether the property devised be of less or greater value.
24. A devise of "all my property real and personal of every description," except certain specified portions, "unto my wife during her natural life," is a general and not a specific bequest. *Mayo vs. Bland*, 484.
25. A devise of "my Bland Air estate, with all the slaves and their increase, which I derived in a course of distribution from my uncle, T. F., deceased, and all the personal property thereon, not slaves, and used with