cause an estate for life was then worth nine or ten years purchase, whereas formerly it was worth but seven; (*m*) and in the case determined in 1750, it was said, that the computation of the tenant for life bearing one-third, was wrong as being too low; (*n*) that is, as not laying enough on the tenant for life. (*o*)

In the year 1717, an executor having paid debts to a large amount, and doubts having arisen about the application of the different kinds of assets, there being a deficiency of personalty to pay all the debts, he filed a bill to obtain the direction of the court. Upon which it appeared, that the testator, being seised in fee of some land, and possessed of a lease for years, in other lands, and indebted by specially and simple contract, devised an annuity of forty pounds a year, out of the lease for years to one grandson, and the lease itself to another grandson, and likewise devised all his lands in fee to A. and his heirs. None of the devisees were his heirs at law. It was held, that, to prevent the disappointment of the testator's intent, the devisee of the fee simple estate, and the devisees of the lease, and of the annuity, should each contribute to the debts by specialty. And, for that purpose, it was, among other things, directed, that the master should ascertain what, at the testator's death, was the value of the lands devised in fee, and of the lease, and also of the annuity; and, to lay the said deficiency rateably upon the same according to their respective values; and to state what part necessarily must, and what part most conveniently might be sold for that purpose. (*p*) In 1726, on a bill by a devisee in remainder of an estate *pour autre vie*, it was held to be personal estate which could not be devised away from creditors; nevertheless, being a specific devise, that all the rest of the testator's personal estate, not specifically devised, should be first applied to pay the debts; and, if there were any other specific devise it should come in average with this, and pay its *proportion;* but if that would not serve, that then all should be sold to pay the testator's debt. (*q*) And in 1749, it was held, that a devisee of an annuity for life charged on the personal estate, where there was a deficiency of assets, should abate in *proportion* with the other legatees. (*r*)

(*m*) Flud *v.* Flud, 2 Freem. 210.—(*n*) Verney *v.* Verney, 1 Ves. 428; White *v.* White, 4 Ves. 34.—(*o*) White *v.* White, 9 Ves. 557.—(*p*) Long *v.* Short, 1 P. Will. 403; Franks *v.* Cooper, 4 Ves. 763.—(*q*) Devon *v.* Atkins, 2 P. Will. 380; Lewin *v.* Lewin, 2 Ves. 415; Rogers *v.* Millicent, Dick. 570.—(*r*) Hume *v.* Edwards, 3 Atk. 693.