There is no doubt, if Mr Bradish died intestate, leaving neither lawful issue nor father, but a mother & brothers and sisters, her real estate will by the Law of Pennsylvania, go to the mother for life, and after her death to the brothers and sisters in fee; except where it came to her on the part of her Father, in which case it will go as if the mother were dead.

I am of opinion however upon the case stated by Mr Channing, that she did not die intestate, within the meaning of our law; for although her marriage settlement is informal in not regulating the disposition of her real estate by way of Trust, or of a power over a use, yet I apprehend it is now settled in Equity that this is not essential, and that if there be an agreement by the husband that the wife may dispose of her real estate by last will, and she does so, Equity will compel her heir at law to convey to her devisee. In Pennsylvania, whatever a court of equity will order to be done, the Courts of law will consider as done, and will give the party who has the equity, the same remedies that he might have had, if clothed with the legal title; and therefore if the heir at law should refuse to convey to Mr Bradish, the latter might maintain an ejectment in Pennsylvania upon his mere equity, although in point of law no estate passed to him by the will of his wife. It is to be observed however that this species of title is rather too argumentative for persons who are much accustomed to simplicity in conveyancing, and therefore I am of opinion that the most satisfactory course will be for Mrs Gibbs the mother to join in the conveyance to Mrs Chancellor, and for Mr Bradish to execute a release, reciting the marriage articles & the will of Mr Bradish. The articles & will should be proved (a) & recorded in this county.

In the draught of the Deed exhibited to me, Ruth the wife of Wm E Channing enters into a variety of covenants. These, I think, are of no validity.

The least troublesome mode of executing the deed, will be for all the unmarried parties to seal and deliver in the presence of a witness who is coming to Midd[x]. As to the married parties; neither of the modes inquired of by Mr Channing will answer: and if there is no Mayor, Chief magistrate, Chief Officer, or town seal in Boston, and these parties cannot conveniently go to a place where there is one, I can only say that our Supreme