

child may at any time thereafter sue the executor for that legacy, and will recover it. Burn 694.

A legacy left to the child in the mother's womb; in this case, if the mother conceive two or three children, at that time, the legacy is to be equally divided among them all. Wentw. 184.

With regard to inheritances, lands that came by the father, shall in failure of issue descend to the heirs on the part of the father; and the lands which came by the mother, shall descend to the heirs on the part of the mother. Of inheritances.

Where there are two or more males, in equal degree, the eldest only inherits; but the females altogether. Thus.—

If a man dies leaving two sons and two daughters, the eldest son is heir at law, and takes the land in exclusion of the other son, and of both daughters; if *he* dies without issue, then the second son inherits the land solely; and if he also dies without issue, then the two daughters together take the land as co-partners: but if the eldest son had died, even in his father's life time, and left issue, that issue, and not