

the legacy be *general*, as a sum of money, or *specifick*, as a piece of plate, or a negro that was the property of the testator.

How, and under what restrictions legacies are to be paid.

In case of a deficiency of estate to pay the debts, all the general legatees must abate in proportion, in order that the debts may be paid; but a specifick legatee is not to allow any thing by abatement, till the fund for the payment of general legatees is exhausted—after this fund is exhausted, specifick legatees are to abate in proportion. If the legatees have received their legacies, they are afterwards liable to refund, if debts come in, beyond the residue of the estate.

If a testator gives a specifick thing, not in his possession, as a horse, or negro, which is to be procured by purchase, this is considered as a general legacy.

If the legatee die before the testator, the legacy is lost; whether it be general, or specifick, and sinks into the residue.

As a specifick legacy has the advantage in not being subject to abatement for payment of debts, till the rest of the estate is exhausted, so it hath the disadvantage in this, that if the thing