

rule, that he who would derive a benefit under a will, must not contravene, or contradict it, where it is not for his advantage. How, and under what restrictions legacies are to be paid.

If a legacy be given to one for a limited time, and then to another, and the first legatee die in the life time of the testator, the second legatee shall take; so if jointly to two, the survivor shall take the whole; but if severally, he shall have only his proportion, and the part of the deceased legatee shall sink into the residue.

No chattel can be intailed; and if a chattel be bequeathed in such a manner, as that it would be an express estate tail, if the subject was land, a limitation over on the death of the legatee without issue is void; but if there be words in the will, to restrain the meaning to a dying without issue *living* at the time of the death of the first legatee, the limitation over is good.

Where female negroes have been bequeathed to one for life, and a limitation over to another on the death of the first legatee, it seems to be a settled point, that the children of the negroes bequeathed, belong to the first legatee, as part of the use, or profit of the negroes bequeathed, and do not go with the negroes bequeathed to

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