

1 *Roper on Legacies*, 376, sec. 2, and the cases there referred to, clearly establish this to be the doctrine.

As, however, by the express terms of the will, the conveyance or assignment was not to be made by the trustees until the child or children of the testator's daughter should have severally attained the age of twenty-one years, so neither can it now be made to the representatives of the deceased son, who died under that age, until, if living, he would have attained it. The rule upon this subject is this—"that if a legacy be given to A. to be paid at twenty-one years, and the intermediate interest is not given, and A. die before that period, his representative must wait for the money until A., if living, would have attained twenty-one; but if the legacy be limited over to B., on the event of A. dying under that age, and A. die before that time, B. will be entitled to call for it immediately upon the death of A." But as the representatives of A. can only claim as he could have done, if living, and as he had no power to call for the legacy before he attained twenty-one, so neither can his representatives insist upon the payment of it sooner. *Crickett vs. Dolby*, 3 *Ves. Jr.*, 10.

I am, therefore, of opinion, that though the legacy vested in Robert Henry Fulton, the deceased son of the testator's daughter, yet his representative cannot demand it until the period arrives when he, if living, would have been entitled to receive it; that is, until he would have attained the age of twenty-one years. And when that time shall have arrived, the personal estate, which devolved upon him on the death of his mother, will be payable to his administrator to be appointed by the Orphans' Court, and will be there administered.

With respect to the real estate to which the deceased became entitled at the same period, that, it is conceded by the answer, descended to his brother, Henry K. Fulton, one of the petitioners.

When the widow of the testator, who is now living, shall die, the time will have arrived for dividing among the several children left by the testator, the rest, residue and remainder of his estate; and until that event shall occur, there does not