Debts, they might and should have the Liberty to bring an Ejectment and try it, and he would retain the Bill in the mean Time. An Ejectment was brought to try it at the Assizes, but the Plaintiffs would not proceed. (This Decree was afterwards *reversed in Dom. Proc'. Ibid.*) *East.* 11 *Ann.* [1712] *Nicholls et al'* and *Hooper*, 8 *Vin. Abr.* 402, *pl.* 29, cites it as from a MS. Rep. (1 *Will. Rep.* 198; 2 *Vern.* 686.)

5. "I give all my personal Estate to my Wife, and to both my Grandchildren £1000 "a-piece if they arrive at the Age of twenty-one Years, or Marriage." These Legacies are payable at twenty-one, or Marriage, and shall *not* wait the Death of the Wife, and Interest was decreed from the Time they became payable. *East.* 10 *Geo.* 1 [1724], *Burdet* and *Young*, 9 *Mod.* 93.

6. *J. S.* bequeathed £100 to *A.* payable at twenty-one, and in the mean Time *A.* to have the yearly Sum of ———, which did not amount to the Interest of the Legacy given to him. *A.* died before twenty-one, and the Question was, Whether the Executors of *A.* should be paid this Legacy presently, or wait until such Time as *A.* would, if he had lived, have attained twenty-one? And Lord Chief Justice *Raymond*, Sir *Joseph Jekyll*, Master of the Rolls, and Lord Chief Justice *Eyre*, held *unanimously* (after Time taken to consider of it) That the Executors of *A.* should (*b*) wait for their Legacy 'till such Time as their Testator should, in Case he had lived, have attained twenty-one, it being unreasonable that *A.*'s Executors, standing in his Place, should be in a better Condition than *A.* himself would have been, had he been living; and that it was to be presumed that *J. S.* had made a Computation of his Estate, and considered when the same would best bear and allow of the Payment of this Legacy; and that there could be no Reason given why an *uncertain* Accident should accelerate the Payment of this Legacy before the Time which was at first intended for that Purpose (*c*). *Hil.* 1725, *Chester* and *Painter*, upon an Appeal to the King in Council from a Decree in the Court of Chancery in the Island of *Antigua*, 2 *Will. Rep.* 335, 336.

(*b*) *Vide* 2 *Will. Rep.* 478, *Laundy* and *Williams*, and the Distinction there taken between the *Executors* or *Administrators* of a Legatee dying *before* the Day of Payment and the Devise over. *Vide* also *P.* 561, *Ca.* 9, this Work. (*c*) See in Support of this Resolution 2 *Vern.* 94, 199, but 1 *Lev.* 277, *Lady Lodge*'s Case *econt'*.

[561] 7. A Devise was *In Trust* that the Devisees shall have the Profits of the Land when they come of Age; they have a Right to it in their Minority, at least to so much thereof as may be sufficient for their Support and Maintenance; and what is not then paid, shall go to their Administrators. *Mich.* 11 *Geo.* 1 [1724], *Bateman* and *Roach*, 9 *Mod.* 104. (See *P.* 566, *C.* 10.)

8. *J. S.* devised several *specifick* Legacies to several Persons, and in particular he devised specifick Legacies to each of his Grandchildren, *to be paid at their respective Ages of twenty-one Years*, or *Days of Marriage*, which should first happen; and by a subsequent Clause in his Will, he appoints, that all the *Legacies thereby devised, shall be paid within one Year after his Decease* (*a*). *Per Cur'*, The subsequent Clause in the Will, which seemingly contradicts the Payment of the Legacies to the Grandchildren in Point of Time, must be construed so as it may not be *repugnant* to any *former* Clause in the same Will; and therefore that *last Clause* must only relate to the other *specifick* Legacies given to the other Legatees, and *not to the Legacies devised to the Grandchildren. Trin.* 11 *Geo.* 1 [1725], *Adams* and *Clerke*, 2 *Mod. Cases in Law and Eq.* 154.

(*a*) The Grandchildren, *tho' under twenty-one*, and *unmarried*, brought their Bill, and insisted, that by the *last* Clause their Legacies ought to be paid within one Year, *&c.*

9. *A.* by Will gives a *Legacy to his Son* B. *at twenty-one*, and *if he died before*, then *to go over to* C. *and* D. (two other Children).—Testator dies, *and* B. *dies before twenty-one.* And the Bill is brought by *C.* and *D.* (who are also Infants) for this Legacy. And the Question was, Whether this Legacy should wait 'till *B.* would have been twenty-one (if he had lived), or should be paid immediately? *Lord Chancellor* at the first Hearing declared, that if this had been a *substantive* vested Legacy, and no Clause of Survivorship or Limitation over, it must according to the *late* Authorities have waited 'till *B.* the Legatee would have been twenty-one, and would not have been recoverable sooner by the Executors, because that would be to accelerate the Payment sooner than the Donor intended it; and it seems here *C.* and *D.* are substituted only in the Place of the Executors of *B.* His *Lordship* thought, that tho' the Legacy is given to *B.* at twenty-one, yet it is a vested Legacy, and the same as if it had been given to be paid *at* twenty-one, all the Legacies to the other Children being given in that Manner; and this small varying of the Expression does not sufficiently