

appearance of in any part of the will, except in the before recited clause, and it is not limited even by that clause.

It is further stated that the grandson departed this life an infant without issue, in the life time of the testator, leaving his father surviving him who is now living; and that the testator died in the city of Philadelphia, where he has resided many years previous to his death.

A question is raised in relation to the above real property in Maryland and my opinion is requested on the subject.

As an act of the legislature of the state of Maryland passed in the year 1810, it is recited that from and after the passage thereof, no service, levy, or demand shall be made or paid of taking effect by reason of the death of any service or legatee named in any last will and testament, or any conveyance thereto, in the life time of the testator, but every such service, levy or demand shall have the same effect and operation in law to transfer the rights estate and interest in the property mentioned in such service or demand, as if such service or demand had been made to the testator.

From the language of this act, the law of the state of Maryland, was that generally a legacy should lapse and fail of effect, in case of the death of the legatee in the life time of the testator, such is ~~the~~ now the law of England, from whence we derive our common law principles.

By Judge Wilkenson the testator had died at the time of his death a resident of the state of Maryland, the laws of that state would have attached on and governed the disposition of the personal or property in question, and it would ~~be~~ in ~~the~~ ~~case~~ of the before mentioned act of the legislature of Maryland at the death of the testator have not changed at the death of the testator, have not changed in Benjamin Chew, junior Esq., the cousin of the testator as the legal representative of his child, the deceased legatee, but the testator was not a resident of the state of Maryland at the time of his death, and therefore the laws of that state did not attach on any property personal or real, at his death and cannot govern the disposition thereof. It is a principle of law that personal property follows the person of the owner and must be regulated by the laws of the state or country wherein he had his residence, at the time of his death.