No. 7762 Equity.

and one son mentioned above. of which the sum of $1171.69 or the one fifth of the whole sum. after the payment of certain costs. and expenses. came into the hands of Mr. Reich as the trustee of Miss Fanny Adams. one of the daughters of the testator Valentine Adams.
After the creation of the above trust. and certain other legacies and devises. Valentine Adams also created another trust. which embraced all the rest and residue of his estate amounting to the sum of Sixteen Thousand Dollars. That was for the benefit of his four daughters Mrs. Pharr. Mrs. Weagley. Mrs. Nelson. and Miss Fannie Adams. Four thousand dollars of that fund or the one fourth thereof. came into the hands of Mr. Reich as the trustee of Miss Adams. The testator in creating the trust fund of Sixteen thousand dollars. provided that his said daughters should have a life interest therein and at their death leaving their respective shares at their respective deaths to be paid to the children of such deceased daughter. My intent being that after death of any one of my said daughters that her portion should then vest in her children" The above quotation from the will itself makes the final disposition of said fund so far as the will is concerned.
Miss Fannie Adams is now dead. and she died unmarried and leaving no children. and the only controversy seems to be. who are to be the distributees of said sum in the hands of her trustee Reich.
We will first dispose of the fund of four thousand dollars in as much as it is the larger of the two It is contended on the one hand that it is to be distributed to the three remaining sisters Mrs Pharr. Mrs. Weagley. and Mrs. Nelson- that miss Fannie only had a life estate therein. and in the event she died without children. which happened. it. then went to her surviving sisters under the terms of the residuary devise. which includes any remainder that may result after the expiration of the life estate of any daughter who has died without children. in other words that the words "all the rest and residue" among any remainder that was created by the death of any daughter without children which was not otherwise disposed of by the will I cannot