

No. 7711 Equity.

to him, and an absolute interest in the personal property therein bequeathed to him, when he attains the age of twenty-five years. He has, in the mean time, a determinable fee and is entitled to the rents and profits of the real estate, and the income arising from the personal property.

Thirdly:- It is further adjudged, ordered and decreed that a renunciation by the widow of the testator, if she shall elect to renounce, is not and "interfering to break the will" the will within the meaning of that language used in the third paragraph of the will and in the Codicil thereto, and the said William Schell Hempferger, therefore, in the event of the widow renouncing, will take the same property and estate under said will and Codicil as he will take if the widow does not renounce, except in so far as his share or portion of the estate may be diminished, in the event of a renunciation, by the dower-right and thirds to which to which the widow may, in such case be entitled.

Fourthly:- That in the event the widow shall renounce said will the real estate herein devised to her will descend to the heirs at law of the testator as in case of intestacy, subject to her dower therein.

Fifthly:- That under the Codicil to said will there is bequeathed to Tilghman Hempferger a Legacy of Seventeen thousand eight hundred dollars in Liew of real estate, held by the testator in his life time, and the right of said Tilghman Thomas Hempferger to said legacy does not depend upon his ability to trace or identify said sum of money in cash or securities now belonging to the estate and said legacy will not be affected by his failure to identify the same.

Sixthly:- It is further adjudged, ordered and decreed that the share or portion of Tilghman Thomas Hempferger in the personal estate of said testator, except as to the specific articles of personal property mentioned in the third clause of the will, be retained in the possession of the executor until the said Tilghman Thomas Hempferger attains the age of twenty-five years: said executor to pay him, in the mean time, the income arising therefrom. And it