

No. 1777 Equity.

of John H. McElfresh bearing interest at the rate of three per cent ~~per annum~~ and five thousand dollars in cash" and the said testator did by his said will further "Order and direct that the net profits arising from the aforesaid farm of two hundred and twenty two acres (after deducting expenses for necessary repairs) together with the interest arising after his death, from the ten thousand dollars, of three per cent in the hands of John H. McElfresh, and the five thousand dollars in cash as aforesaid should be invested in some good funds at the discretion of the said John H. McElfresh and did further ^{also} order and direct that the said John H. McElfresh should pay over to the testator's Sister Eleanor, out of the real and personal estate above devised during the life of her husband as much as the said John H. McElfresh might think necessary for the comfort of his ^{and} Sister Eleanor and her children but in no way to suffer any part of said proceeds to go into the hands of her husband, and any receipts or acquittances which his Sister Eleanor though Court should execute to the said John H. McElfresh touching the aforesaid trusts, should be as valid in Law as if she were sole - And the said testator by his ^{and} will further directed, that should his Sister Eleanor better her husband that the net proceeds of the land and money and cash therein before mentioned should be paid ^{on the ten thousand dollars} semiannually to her Sister Eleanor, and the interest, ^{on the ten thousand dollars} as the hands of John H. McElfresh should be raised to her instead of three per cent ~~per annum~~; and upon the death of her Sister Eleanor be ordered and directed that all the real estate therein before mentioned should be sold by the said John H. McElfresh, with full authority and power to convey any part or the whole, and the proceeds arising therefrom and the ten thousand dollars in the hands of John H. McElfresh, and the five thousand dollars in cash, and all the net proceeds and increase of the said real and personal estate, which might be in the hands of the said John H. McElfresh, at the death of his Sister Eleanor, should be equally divided between her children, share and share alike, but should any of said children have died before the said Eleanor, and left children, the said children should be entitled to their mother or their father's share as the case might be, but no division as aforesaid should be made during the life of his Sister Eleanor's husband nor until

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