

No. 1777 Equity.

fund: after the death of the said Eleanor all the property in the hands of said John H. McElfresh at the death of the said Eleanor, to be equally divided between her children Shaw and Shaw alets, but should any of her said children have died before said division shall be made, and leave children, the said children shall be entitled to. But no division as aforesaid shall be made during the life of my sister Eleanor's husband, nor until the youngest child shall attain the age of twenty one year. These defendants admit that the said Casper Mantz died leaving a large and valuable real and personal estate, and by virtue of said last will made and constituted Theresa McElfresh one of three defendants the then wife of John H. McElfresh deceased, his residuary legatee and devisee, and did give and bequeath to her the said Theresa McElfresh all his the testator's choses in action, and all the rest residue and remainder of his property real personal and mixed and not before in said will devised or bequeathed of which he was at the time of making said will possessed or which he might own or be possessed of at the time of his death. These defendants admit that John H. McElfresh soon after the death of said Casper Mantz took possession of the real estate devised in said will as being devised to him in trust for Eleanor standing but as the said Eleanor having died before the testator, these defendants are not advised in what character he held said estate, whether for the residuary legatee or as trustee for the children of said Eleanor standing, and as to the precise amount of rents and profits received by the said John H. McElfresh for said real estate these defendants are not able to state, but as near as they can ascertain them, they show by an account thereof, her exhibited as a part of this answer marked "No 2" to answer; but these defendants do not admit that the complainants are in any manner entitled to any part of the rents and profits of said real estate.

These defendants further state further state for answer that the said John H. McElfresh in his life time and after the death of said Casper Mantz furnished said complainants with necessary and good money for them, to pay just claims due for their support and education, which the said John H. McElfresh charged in his book, a correct extract thereof is here exhibited marked "No 3" to be taken as a part of this answer. These defendants