

assigned and conveyed to the defendant Howard, her whole estate, then or thereafter to be acquired, *in trust* for her separate use, during the term of her natural life, and upon the further trust, in case the said Ann should die in the lifetime of her then intended husband, Donnell: "Then, from, and immediately after her death, the said trustee, or trustees under this deed for the time being, shall set apart from and out of the said trust property, in the best and fairest mode for all parties concerned therein, to be ascertained and decided in writing, and upon oath, by three disinterested and discreet persons, or a majority of them, to be appointed by the said trustee, Mary S. Williams, daughter of the said Ann, or those claiming, or who may claim under her and the said John S. Donnell respectively, the sum or value of \$20,000, if the said Ann should leave no other issue living, at her death, than the said Mary, and her descendant and descendants, or the sum or value of one equal child's share of the said trust property, if the said Ann should leave such other issue, unless such share should exceed the said sum of \$20,000, and if so, that they shall set apart only that sum out of such share as aforesaid, and hold the excess, or residue thereof, in trust, from and after the said John's death, for the use, intents, and purposes for which the said sum or value is hereby declared to be in trust; that is to say, that the said sum or value so set apart as aforesaid, and the said excess, when it shall accrue, and all other interests to be derived by the said Mary from the said Ann, under this deed, whenever the same shall arise, shall be held by such trustee or trustees in trust, from and after the said Ann's death, for the use of such persons and in such proportions as the said Ann shall, by will or like instrument, direct or appoint, her coverture notwithstanding, or in default of such direction or appointment, in trust for the sole and separate use and benefit of the said Mary S. Williams, for and during the term of her natural life, whether sole or covert, and from and after her death, in trust for the use of such persons, and in such proportions as she shall, by will or like instrument, direct or appoint, whether covert or sole; and in default of