

being sufficient to support his wife, his wife was "to ask" his executors to collect a portion of the principal to support and maintain her from his daughter Sarah as well as from his son James.

Then follow bequests of 4 pecuniary legacies, one of \$950 to his grandson Orval Moyer, one of \$600 to his grandson Roy Stauffer, one of \$600 to his granddaughter Norah Stauffer, and one of \$50 to Rebecca, widow of Noah Moyer; the first 3 to be paid to the respective legatees, if then of age, upon the death of the testator's widow.

He then bequeathed to his daughter Sarah Fellman, James Moyer, and Deborah Moyer, the proceeds of the sale of his two farms devised to James and Sarah, "whether purchased by Sarah Fellman and James Moyer or other parties, share and share alike," after deducting out of the shares of each of them certain specified sums.

Then follow a provision that, in the event of either his son James or his daughter Sarah, or both of them, refusing to accept the farms "at the prices specified by" the testator, the executors should dispose of them and divide the proceeds as he had directed with regard to the moneys to be paid by James and Sarah, and a declaration that the bequest to his widow did not include "the proceeds of the sales" of the farms.

James Moyer accepted the devise of the homestead, but Sarah Fellman refused to accept the devise to her of the Spence farm, which has been sold under the direction of the will.

The testator was not possessed of any real estate other than the homestead and the Spence farm.

The question raised by the motion is as to the source, if any, from which the pecuniary legacies are to be paid.

It is argued upon the one side that the bequest of the personal property to the widow is specific, and that the bequest of the moneys payable by James Moyer and of the proceeds of the sale of the Spence farm is also specific, and that there is, therefore, no fund to which the pecuniary legatees are entitled to resort for payment of their legacies, and on the other side it is contended the the legacies referred to are not specific, and that the pecuniary legacies are payable out of the general personal estate, which it is contended consists of the personalty bequeathed to the widow and the money