come during their respective lives, and one other sixth part thereof to each of his three nieces, Catharine P. Bodman, (your oratrix) Margaretta Popplein and Mary Popplein, daughters of his said brother, during their lives, and for their sole and separate use respectively. And upon the death of either of his said nephews or nieces, his or her portion of the said income to be paid to his or her portion of the said income to be paid to his or her children or descendants, (if any,) until such children or descendants shall attain respectively the age of twenty one years, when they shall be entitled to receive their several and respective shares of the principal estate, yielding income to them as aforesaid. And further provision is made for the disposal of said income and principal estate, in the event of the death of his said nephews and nieces, or any of them without children or descendants, to the survivors of them.

And the said testator further appointed his said nephew, George Popplein, to be the executor of his said last will and testament, and in case of his decease or refusal to act as trustee or executor under said will, or other disqualification, before the final settlement of the said estate, or the completion of the trusts aforesaid, the testator appointed his said nephew, Nicholas Huppman, to succeed the said George Popplein, as executor and trustee as aforesaid. And in the event of the death of the said Nicholas Huppman, or of his refusal or disqualification to act in the premises, then he appointed his said nephew, Nicholas Popplein to succeed him.

And your orators further charge, that on or about the sixth day of September, in the year eighteen hundred and thirty-eight, the said testator duly made and published in writing a codicil to his said last will and testament, and thereby reciting that his nephew, Andrew Popplein, had departed this life, he willed and directed that the share of his estate bequeathed to his said nephew, and his children or descendants, shall be deemed and disposed of as part of his estate, and that said estate and the income thereof shall be apportioned into nine parts, instead of ten parts, as limited by the said will, and that his legatees, Nicholas Huppman, George Huppman and Valentine Huppman, Margaretta Schull, George Schull, George Popplein, Nicholas Popplein, Catharine P. Bodmann, Margaretta Popplein and Mary Popplein, in said will named, and their respective children and descendants, shall have the same proportional parts relatively of the said nine parts, as said will limits to them respectively of said ten parts, and subject to the same terms and provisions, and that in case any of his said legatees should die before him, without children or descendants, the share of his estate, or the benefit thereof bequeathed to the deceased, should be disposed of as directed in regard to the said Andrew's share.

And that whenever after his, the testator's death any of his above named legatees should die, and the principal of the income enjoyed by him should