

change the original paper) declared that "to avoid the possibility" of his death within the month he "must let it stand as it is."

The bill in this case therefore truly charged, as part of the history of this transaction :—

"That within one calendar month prior to his decease the  
"said Dr. James Rush purchased a lot of ground situate on  
"the Southeast corner of Broad and Christian streets, which  
"said lot was purchased by him, and was subsequently conveyed for a charitable use," etc.

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### *Decision of the Court of Common Pleas.*

No opinion was read or filed.

The decree entered was in these words :—

April 6, 1878. — Demurrer sustained and bill dismissed with costs.

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### *Assignments of Error.*

The learned Court of Common Pleas erred :—

- 1.—In dismissing the bill of the plaintiffs.
- 2.—In not overruling the demurrers of the defendants.
- 3.—In not deciding that on the facts averred in the bill and admitted to be true by the demurrers, the prayers of the bill ought to be granted.
- 4.—In not deciding that the attempted disposition of the residue of his estate, by the alleged testator, is impossible of execution and void in law.
- 5.—In not deciding that the said residue is the property of the plaintiffs and others as heirs-at-law of the said testator.