

8

In the Supreme Court for the Eastern District of Pennsylvania.

—
IN EQUITY.
—

The Library Company of Philadelphia }
vs. }
Williams. }

July Term, 1871.

No. 1.

BRIEF OF APPELLEES (COMPLAINANTS BELOW).

The case lies in a nutshell. An Examiner's report of 239 pages, a Master's report of 94 pages, an oral argument by six counsel for nearly four days, and a printed paper book of 69 pages, can all be reduced—as was done by the court below—to two simple questions,—one of law, the other of fact.

I. The question of law: May a trustee in whose discretion property is to be administered for the benefit of a third person, so bind that discretion in advance, that when the occasion arises for its exercise, it shall be taken to be non-existent?

II. The question of fact: Has the discretion given in this case been so bound?

