

which I have ever been taught to believe influence the human mind and control the actions of men, it does establish such a state of facts as would naturally and reasonably restrain and trammel the free judgment of the donee of a power."

There are cases in which the law raises a presumption, against which it will listen to nothing. A juror who has received money for his vote cannot, by taking it out of his pocket, purge himself of his taint and restore his unbiased judgment. On this side of the Atlantic, one who has been counsel in a case cannot, after any lapse of time, sit in it as a judge. Nor can a judge at any time sit in a cause in which he may have, even indirectly, the slightest pecuniary interest. There are no decisions to this effect. We would search for them in vain. It is but the effort of human wisdom to guard against human frailties in those things as to which "we have no power of ourselves to help ourselves." As was said by the Court below:—

"A judge or juror is forbidden to sit in a case wherein a party litigant is closely related to him by blood or marriage. He will not be permitted to purge himself of his disqualification by announcing that he can and will act wholly uninfluenced by such relationship."

III. There remains but to notice the objection to the relief prayed, and to the decree.

We are entitled, under a will, to have money spent for our benefit. Circumstances have deprived us of part of the testator's machinery, namely, the exercise of a certain person's discretion. Of course, this does not deprive us of the bounty of the testator, and as machinery is wanted to direct its current, this court, upon the most trite and familiar principles of equitable jurisprudence, supplies other machinery in place of that which has been lost. We would be ashamed to cite authority for this. If any were needed beyond those cited by the Master on page 83, it may be suggested that this court is now, through its Master, in the case of *Marvin vs. Drexel*, carrying out a large real estate speculation on Broad street, some few squares below Christian street.