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*In Re the Appeal of Henry J. Williams.*

SUPPLEMENTAL BRIEF IN BEHALF OF APPELLANT.

Mr. Williams, duly qualified as executor of Dr. Rush's will, was proceeding to execute it according to its very terms when arrested by the injunction of a Court of Equity.

The Legislature have placed testamentary trusts under the special supervision of the Orphans' Court by several acts of Assembly subsequent to those conferring equity powers in general upon our courts. (See Purdon 308.)

If Mr. Williams was neglecting or mismanaging the trusts committed to him, the remedy of any injured party was in the Orphans' Court, and because specially lodged there, it cannot be sought elsewhere.(a)

But no delinquency and no mismanagement have been alleged. The jurisdiction of the Orphans' Court, necessarily exclusive in the premises, has not been invoked, because no party has appeared to complain against Mr. Williams.

The Library Company of Philadelphia, a legatee in the will of Dr. Rush, having only a remote and contingent interest in his estate, is the party that passes by the Orphans' Court and goes into the Supreme Court upon its equity side to complain of the site which Mr. Williams had selected for the library building which the will enjoined him to erect.

The gravamen of the complaint against the site is to be found in the XXth section of the bill, and it is, that it would be inconvenient to both the directors and the share-

(a) Chew v. Chew, 4 Casey 17.

