

law, the facts, and a decree proper to be made thereon, *per cur.*

Nov. 9, 1872. Master's report with exceptions filed.

December 3, 4, 5, and 6, 1872. Argued, C. A. V.

December 31, 1872. The exceptions to the report of the Master are dismissed; the report of the Master confirmed, and decree accordingly.

Opinion by Mercur, J., filed.

January 3, 1873. Per order of defendant's counsel in writing filed, the above case is certified from the Court of Nisi Prius to the Supreme Court in banc.

## II. *Abstract of Bill and Answer.*

This is partly given by the Master in his report, on pages 53, 54, 55, and 56. Some points there omitted are supplied in the following history of the case.

## III. *History of the Case.*

Dr. James Rush, of the city of Philadelphia, died on the 26th day of May, 1869, seized and possessed of valuable real and personal property, inventoried and appraised at \$1,110,717.

He disposed of this by his last will and codicils.<sup>(a)</sup> By the will dated 26th February, 1860, he devised and bequeathed his whole estate to his executor, Henry J. Williams, in trust, after distributing some articles of trifling value, and after paying certain annuities—aggregating about \$8100—“to select and purchase a lot of ground not less than one hundred and fifty feet square, situate between Fourth and Fifteenth and Spruce and Race Streets, in the city of Philadelphia, and thereon to erect a fire-proof building sufficiently large to accommodate and contain all the books of the Library Company of Philadel-

(a) Page 15 of Master's Report.