

Your orator further avers that said transaction is void, by reason of the purchase for the use of said charity having been made within one calendar month of the decease of the said decedent, contrary to the provisions of the Act of Assembly of the Commonwealth of Pennsylvania, entitled, "An Act Relating to Corporations and to Estates, held for Corporate, Religious, and Charitable uses," approved the twenty-sixth day of April, A. D., 1855. And your orator therefore charges that, upon the death of Dr. James Rush, the title to said lot vested in your orator and others, the heirs-at-law of said decedent.

XIII.—And your orator avers that in said writing of April 18, 1867, purporting to be a Códicil to the last Will of Dr. James Rush, no disposition is made of the residuary estate not required for paying annuities, and which may remain after the erection of said building and book-cases, nor of the increase of said estate, after the death of the said Dr. James Rush, which said increase and surplus are vested in your orator and others, heirs-at-law of said decedent.

XIV.—That the searches, briefs-of-titles, deeds, and title papers to the ground rents and real estate of which the said Dr. James Rush died seised, are in the exclusive possession and control of the said Henry J. Williams, Esq., one of the defendants, whereof your orator needs discovery.

XV.—That the said Henry J. Williams, Esq., claims to hold the personal property, and to have title to the ground rents and real estate of which the said Dr. James Rush died seised, by reason of said writings, purporting to be the Will and Códicils of said decedent.

And your orator avers that no title passed to the defendants, or either of them, under said writings, and that the admission of the same to probate, and the putting of them on record, cast a cloud upon the title of your orator, as an heir-