

of the will and codicils, and on June 4th, 1877, notified the Library Company that the same was ready for its acceptance, and that his account as executor and trustee was about to be filed. He afterwards filed his account, which was confirmed by the Orphans' Court, and the balance thereof adjudicated to be in his hands, and the real estate unsold he states his readiness to transfer and convey to whosoever is entitled thereto under the said will.

4. He names the annuitants still living, and states that the residue of the estate still unconverted and undisposed of consists, substantially, of realty only, and that it yields a net income much in excess of the aggregate of the annuities, the payment of which would be secured by a conveyance to the person or corporation entitled thereto, if made subject to said annuities.

5. He is ignorant whether or not the said Library Company is willing to accept the bequests and devises in its favor upon the conditions imposed by the will, or, if willing, whether or not it has complied with all the preliminary conditions requisite to entitle it to receive a conveyance of said lot and building and of said unexpended residuary estate.

6. And until these matters are finally determined, the said building must remain unoccupied, to its great detriment, and the further discharge by the plaintiff of his duty as executor will be rendered impossible.

He therefore needs equitable relief, as follows:—

I. A decree that the annuities will be sufficiently secured and provided for by a conveyance to the person or corporation entitled thereto, subject to their payment, of the tes-