

And Whereas, In a certain suit in equity in the Court of Common Pleas of Philadelphia, No. 1, to September Term, 1877, No. 1296, wherein the said party of the first part hereto was the complainant, and the said party of the second part hereto and the said Caroline Little, Mary Ritchie, Anna Maria Rush, Richard Henry Rush, and Julia W. Biddle and Alexander Biddle were the defendants, it was so proceeded that upon a reference to a master it was ascertained and found that the annuities bequeathed by the testator would be sufficiently secured and provided for by the execution of these presents; that the said party of the second part hereto has conformed to and complied with the conditions prescribed by the testator under which it was to hold the said devise and bequest; that the party of the first part hereto had done and performed all things necessary to entitle him to call upon the said party of the second part hereto to elect to accept or decline the said devise and bequest; that the said party of the second part hereto was and is in possession of all such material facts touching the condition of the said estate and its present and future liabilities as ought to enable it so to elect; and that the said party of the second part had elected to accept the said devise and bequest of the said testator, according to the terms expressed in his will; that the said party of the second part hereto was and is now entitled to receive from the said party of the first part hereto a transfer and conveyance of the said residuary estate of the said testator. And by the decree of the said Court thereon, the present indenture was settled and ordered to be executed and delivered by the said parties of the first and second parts hereto.

Now this Indenture Witnesseth, That the said party of the first part hereto, in consideration of the premises, and of the sum of one dollar lawful money of the United States to him paid by the said party of the second part at and before the sealing and delivery hereof, the receipt whereof is hereby acknowledged, and in execution of the powers and trust conferred by the said last will and codicils, and in obedience to and execution of the said decree of the said Court,

HATH granted, bargained, sold, assigned, transferred and set over, and by these presents and by virtue of the several powers and authorities in and by the said last will and testament and codicils thereto contained him in that behalf enabling, and in execution thereof, and in obedience to the said decree of the said Court of Common Pleas in that behalf, DOTH grant, bargain, sell, assign, transfer and set over unto the said party of the second part hereto, its successors and assigns, all and singular the funds, securities and investments, lands, tenements and hereditaments which were of him, the said testator, not heretofore sold, conveyed, assigned or disposed of by him, the said party of the first part, now forming the rest and remainder of his the said testator's residuary estate, real and personal, and mentioned in the schedule annexed to the report of the master in the said cause, and of which a copy is annexed hereto, and any other estate, real and personal, of him, the said testator, now forming the rest and residue, whether therein particularly mentioned and set forth or not, together with all and singular the appurtenances thereunto respectively belonging.

To have and to hold the same to the said party of the second part hereto, its successors and assigns, to and for the only proper use and behoof of the said party of the second part hereto, its successors and assigns forever.

In Trust, Nevertheless, to, for, and upon the several uses, trusts, objects, intents and purposes hereinafter declared and set forth of and concerning the same—that is to say, subject to the payment of the annuities aforesaid, in trust to, for and upon the several uses, objects, trusts, intents and purposes, and under and subject to the several conditions, limitations and provisos by him, the said testator, in and by his said last will and testament and codicils thereto, limited and declared of and concerning his said residuary estate, and to and for no other use whatsoever.

And the party of the second part hereto doth hereby for itself, its successors and assigns, covenant, promise and agree to and with the said party of the first part hereto, his heirs, executors and administrators, that the said party of the second part, its successors and assigns, shall and will, so long as the said party of the second part hereto shall act as trustees under the said last will and codicils of the said testator, at all times hereafter forever faithfully do, keep and perform all the several acts, covenants, terms and conditions by him, the said testator, in and by his said last will and codicils limited, designated and prescribed, of and concerning his said estate so as aforesaid devised and bequeathed, as fully and at large, to all intents and purposes, as though the same were herein repeated and set forth at length.

And the said party of the first part, for himself, his heirs, executors and administrators, doth covenant, promise and agree to and with the said party of the second part hereto, its successors and assigns, that he, the said party of the first part, his heirs, executors and administrators, shall and will at the request and cost of the said party of the second part, its successors and assigns, execute and deliver all such other and further instruments and assurances in the law for the better, further or more perfectly assuring the premises hereby transferred and conveyed to the use and in the manner aforesaid, as by the said party of the second part, its successors and assigns, or its counsel, learned in the law, shall be reasonably devised, advised or required.

