

Dr. James Rush died May 26th, 1869. His will and three codicils were proved May 31st, 1869, and on the same date letters testamentary were granted to Henry J. Williams, Esq., the executor named in the will, and the defendant in this suit.

The will bears date February 26th, 1860.

First codicil bears date May 16th, 1866.

Second codicil bears date April 18th, 1867.

Third codicil bears date April 12th, 1869.

The will and first and second codicils alone have provisions which enter into this controversy.

They are as follow :

WILL OF JAMES RUSH, M. D.

Be it remembered, That I, JAMES RUSH, of the city of Philadelphia, M. D., do make this my last will and testament, hereby revoking all others by me heretofore made, in manner following—that is to say :—

I will and direct that all my just debts, which will be found very few in number and insignificant in amount, shall be paid by my executor as soon as possible.

It is my intention, by a codicil or codicils to this my will, to give considerable legacies, annuities, and devises to different persons, but as I desire to take some time for reflection on this subject, and as I have made up my mind as to the disposition of my residuary estate after the payment of these legacies, annuities and devises ; now, therefore, I do hereby give, bequeath, and devise my whole estate, real and personal, legal and equitable, whatsoever and wheresoever the same may be, unto my brother-in-law, HENRY J. WILLIAMS, of the city of Philadelphia, his heirs and assigns, to be held by him for and upon the

