

7. The Master has erred in reporting, on page 61, as unsound, subdivision *g* of 2d ground of demurrer.

8. The Master has erred in reporting, on page 62, that the 3d ground of demurrer is not sustained.

9. The Master has erred in reporting, on page 63, that there is no evidence that the acceptance by the complainants of Dr. Rush's bequest has been withdrawn.

10. The Master has erred, on page 63, in reporting the contents of Complainants' Bill. There is **no** such averment, in XXIV section, page 16, as he reports, viz.: that complainants had knowledge of an alleged-to-be disqualifying promise, "at and before the twenty-ninth day of June, 1869." The time referred to in said section is the 10 December, 1870.

11. The Master has erred in reporting that the complainants are a charitable corporation.

12. The Master has erred, on page 71, in reporting that the "5th specification of demurrer cannot be supported."

13. The Master has erred, on page 74, in reporting that "if Mr. Williams should die before making the selection" of a site, the right to make such selection would not "go to the substituted Executors, Messrs Craven or Biddle, but would be executed by the Court."

14. The Master has erred, on page 76, in reporting that "the discretion which the complainants were entitled to, was "the free, voluntary, untrammelled judgment of the Executor "on the question of site, as of the day of Dr. Rush's death."

Though a will does for some purposes speak from the day of the death of the testator, no such rule is applicable to a question of an executor's discretion.

15. The Master has twice erred, metaphysically, viz.: on page 76, in conjecturing that respondent was inadequate to judge whether he had any discretion to exercise; and again, on page 82, in asserting:—