

"It is impossible for any man, however cool and unimpassioned he may be, to know exactly how far his judgment would be influenced by a promise so solemnly given as that given by the respondent in this case."

16. The Master has erred in his answer, on page 83, to the self-put question: "How is the will to be carried out?" If the respondent is really disqualified, the selection must be by Alexander Biddle and Thomas Craven, and not by "a new Trustee to be appointed by the Court, nor by a decree formed after a report from a master."

17. The Master has erred, on pages 75 and 85, in finding two facts which are irreconcilable, viz.: that the testator exacted from respondent an obligation which "did disqualify him from exercising the discretion which the testator had confided to him;" and that "the testator did nothing to disqualify the executor and trustee."

18. The Master has erred in reporting that "the trustee by his promise has so crippled his discretion, as to make it impossible to say how much his preference for the lot in question is due to his unbiased opinion that it is the most expedient for the purpose, and how much to his promise to Dr. Rush."

19. The Master has erred in reporting that the respondent's "action in the premises must be under the direction of the Court."

20. The Master has erred in reporting that complainants have any interest which "gives them a standing in a Court of Equity to ask that the selection be made under the supervision of the Court."

21. The Master has erred in reporting in favor of a reference "to a master, to inquire and report to the Court whether the proposed site is a proper and expedient location for said building, and if not, what would be such a site."

