

II.—That he was at the time of his death seized and possessed of a large amount of real and personal property.

III.—That Mary Rush, a sister of decedent, inter-married with Thomas Manners, had issue Robert Manners, and died; so that the plaintiff, Major Manners, was a nephew and heir-at-law of decedent.

IV.—That May 31, 1869, without notice to, or knowledge of, plaintiff, certain writings were admitted to probate by the Register of Wills of Philadelphia County as the last Will and Codicils thereto of decedent, and that Letters Testamentary thereon were granted to Henry J. Williams, esq.

V.—That in the attempted disposition of the residue of the estate, the said writings are so uncertain as to be incapable of any clear meaning, are full of contradictory and repugnant clauses, and are impossible of execution; and if possible of being carried out, the execution thereof would be contrary to sound morals and to religion, and would be opposed to the policy of the law.

VI.—That "The Library Company of Philadelphia" have not finally accepted the devise in the alleged Will and Codicils and have declined to accept the same upon the trusts and conditions mentioned.

VII.—That the decedent in the first Codicil to his alleged Will provided that if the Library Company omitted or declined to accept the residue on the conditions mentioned, the executor should found "The Ridgway Library" under the rules, etc., in the alleged Will and Codicils expressed.

VIII.—That it is impossible to carry out the bequest for the "Ridgway Library," because the so-called additional Codicil leaves no funds whatever for the foundation of a library, the whole remainder being consumed in the pur-