

said Dr. James Rush to be published "every ten years, and earlier and oftener, if called for," in the paper writing dated April 18, 1867, contain infidel and atheistical sentiments, teachings and arguments, and that said works deny the truths of the Christian religion, and of revelation, and the existence of a God; and the plaintiff charges that the effect of carrying out and executing said trust would be the propagation of infidel and atheistical doctrines, and would be contrary to good morals and to law.

And your orator charges that, for this reason, the residue of said estate has become, and is, the property of your orator and the other heirs-at-law of the said James Rush, deceased, and that the said Henry J. Williams is holder thereof, to their use.

XI.—That the alleged Codicil of April 18, 1867, is a revocation of the preceding papers, and no provision being made therein for failure of the scheme, or for the non-acceptance by the Library Company, the estate is vested in the plaintiff and the other heirs-at-law.

XII.—That within one calendar month prior to his decease Dr. Rush purchased a lot on the Southeast corner of Broad and Christian streets, Philadelphia, which was purchased by him and subsequently conveyed for a charitable use, as set forth in the trusts contained in said alleged Will and Codicils. The contract being in the possession of defendant Henry J. Williams, esq., its date cannot be given, and the plaintiff needs discovery. The plaintiff avers said transaction is void, the purchase for the use of said charity having been made within one calendar month of the decease of decedent, contrary to Act of April 26, 1855, and that the title to the lot is in plaintiff.

XIII.—That no disposition is made of the residue not required for annuities after the erection of the building, etc.,