

6.—In not deciding that the increase and surplus of the said estate, referred to in the thirteenth paragraph of the bill, and in the amendment thereto, filed on the twenty-eighth of March, 1878, are vested in the plaintiffs and others as heirs-at-law of the decedent.

7.—In not deciding that the personal duties devolved by the testator on his executors in the management of the Library referred to in the said alleged Will and Codicils, are such as cannot be carried out by means of the trust which the testator has sought to establish.

8.—In not deciding that a trust cannot be maintained in Pennsylvania for the establishment of a Library containing such books as this testator has provided to be placed therein by the fifth paragraph of the paper of sixteenth May, 1866, annexed to the said bill, inasmuch as the same would tend to the corruption of religion, morals and good order, and to the promotion of atheism and infidelity.

9.—In not deciding that as the bill and the amendment filed thereto on the 5th of April, 1878, distinctly averred that the works of the alleged testator directed by him to be published every ten years, and earlier and oftener if called for, 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 as the demurrers admitted to be true the matters of fact thus alleged, a trust cannot be maintained which renders necessary as its chief purpose, the printing, publication and dissemination of such books.

10.—In not deciding that the disposition of the residue of his property which the testator attempted to make is void, inasmuch as the same was made within one calendar month before his decease—a fact clearly averred in the bill, and as clearly admitted by the demurrer.

