

II.

The bill avers (Art. XIII) the existence of an increase and surplus as to which Dr. Rush died intestate. The demurrer admits this and all other allegations of fact. How, then, can the bill be summarily dismissed?

III.

The bill charges (Art V) that the bequests are "*impossible of execution*." According to the last Codicil, "*the whole remainder*" is to be expended "in the purchase of a lot and the erection of the Library building, construction of book-cases, etc., leaving the said Company only an income sufficient to defray the ordinary and strictly appropriate expenses of such an institution."

Here, then, is to be erected a magnificent shell, without one dollar to purchase books.

If it is possible to create a library by erecting a building with empty cases, then the scheme here shadowed is practicable. Otherwise it is as unintelligible as the language in which an attempt is made to define the object. Surely there was no occasion to enjoin that "consequential spendthrifts" should be excluded where there was no fund for prodigality to abuse; and there seems to be a touch of irony in the admonition against "wasteful extravagance;" "competing increase;" "ostentatious libraries;" etc.

IV.

A careful reading of these papers cannot fail to develop a difficulty which is regarded by the plaintiffs as insurmountable. No one save Mr. Williams is authorized to execute this scheme, such as it is, and no provision is made for its execution after his death. Hence, the bill charged:—"That said alleged Will and Codicils contain numerous provisions, such as the following, to wit, that "*respectable persons depositing an amount and paying an annual sum, to be*

