that are to be excluded from the direction of the Library, and then to take care, as a part of his personal duty, that they are so excluded. He is to determine whether the publication of the works of the testator is called for oftener than ten years, and he is to supply himself with the means of making such a decision. So of other provisions in the Will, of which the foregoing may serve as illustrations. These are personal duties which, on the death of the executor, cannot be exercised by an administrator *de bonis non.* The law will not permit it. *Redfield on Wills,* Part II., Chapter III., Section IV., § 10. This was the very point of the decision in *Ross* vs. *Barclay,* 6 Harris, 179, where Gibson showed, with his usual clearness, that our law does not permit such an administrator "to execute a trust for a collateral purpose; "for instance, to manage the property and invest the proceeds "for accumulation; or to maintain the widow and children; "or to turn the land into money for the convenience of parti- "tion; or *to exercise any discretionary power confided to his "predecessor in the administration, for his personal fitness and "fidelity.*" Judge Sharswood put the decision in *Waters* vs. *Margerum,* 10 P. F. Smith 39, on the same ground. See also *Conkling* vs. *Edgerton,* 21 Wendell 429. The whole scheme of the testator has therefore failed, and there can be no better proceeding than the present, in which to pronounce it impractible and void.

V.

The plaintiffs contend that these papers, called the Will and Codicils of Dr. Rush, contain a foundation for atheism and infidelity; that the law, while tolerating the freest discussion, will never lend its hand for the protection and support of immorality; that in a land where religion and sound morals are recognized as the foundation stones of government, no trust can exist for the protection of that which destroys the State. Especially must this be the law of Pennsylvania.