

"I do not wish" (says Dr. Rush) "that any work should be excluded from the Library on account of its difference from the ordinary or conventional opinions on the subject of science, *government, theology, morals*, or medicine; provided it contains neither ribaldry nor indecency."

When he says:—"I do not wish that any work should be excluded from the library on account of its difference," etc., he says, in effect, that every work shall be included, notwithstanding the fact that its teachings may differ from the ordinary or generally received opinions on the subjects referred to. The ordinary and generally received opinion is that there is a God, and that pure morals are necessary to the well being of society. No matter how far any book may go in advancing doctrines opposed to these, it is nevertheless to form a part of the Library; provided only that it do not descend, in its treatment of the subject, to ribaldry or indecency. Avoiding these, it may deny the very existence of a Supreme Being and advocate immorality. No discretion is left to the executor under the Will. The direction which it contains is a command. In the construction of a statute we sometimes speak of a provision as merely directory and not involving in its violation any penalty. In the construction of a Will, such phraseology is unknown. When a testator directs, his direction is absolutely binding. When he says, "I wish," this is equivalent to a positive direction. "I wish" or "I will" are the words most commonly used to express testamentary intention. When a testator says, I wish my executors not to exercise such and such a power until the expiration of a certain time after my decease, the power cannot be exercised until the expiration of the time, and if it were exercised, no man of sense would take title under it. When a testator says I wish A. to have two-thirds of my estate and B. to have one-third, it is impossible for his executors to divide it equally. I wish or I will, are in no proper sense precatory words. They are