

"THE RUSH WILL CASE—THE NEW LIBRARY.

"In Common Pleas, No. 1, Judge Allison, on Saturday, rendered an opinion in the matter of the bill in equity filed by Robert Manners of London, England, against H. J. Williams, executor of Dr. James Rush, and the Philadelphia Library Company. The bill itself and the argument upon it were fully reported a short time ago, and it is only necessary to say that the plaintiff claimed that the will of Dr. Rush, so far as regarded the residuary estate, was of so contradictory and uncertain a nature, and so impossible of being carried out, as to be void in law. Hence he prayed the court to declare that Dr. Rush died intestate as to the residue of his estate after paying certain legacies and annuities; and to decree that he, said Manners, as a nephew and heir at law of said decedent, should be entitled to his proper share in said estate. To this bill demurrers were filed by both Mr. Williams and the Library Company.

"These demurrers covered all the averments of the complainant, and it was upon them and the bill filed that the decision on Saturday was rendered. President Judge Allison began by saying:—'We do not think any one of the averments in the bill contained that which should allow the case to come to an issue, and there is nothing in the bill which would allow the plaintiff to go into a contest upon the will, and to claim the estate upon the grounds set up.' He then took up the demurrers in detail. The first three grounds he said he would pass over. The fourth, which stated 'that upon the complainant's own showing the allegation of the want of funds wherewith to maintain the library was untrue, because, as shown by the codicil, upon the falling in of certain annuities, an income of \$10,400 per annum would be available for the purpose,' was held by Judge Allison to be a complete answer to the averment of the complainant upon this branch of the case.