

March 28th, after the argument was nearly finished; and the second (record, page 83), that the testator's works were atheistical, on the 5th of April, the day before the decision.

The garbled extracts from the testator's works, printed by the plaintiff as part of his history of the case, on pages 8 and 9, were not before the Court below and form no part of the record.

All the grounds of demurrer can be classed under two heads:—

I. Those which concern the plaintiff and his standing in Court, and

II. Those which concern the relief which he seeks.

I. The plaintiff and his standing in Court.

This includes the demurrers 1, 2, 3, 8, 11, 15 and 16, viz.:—

1. It appears by the complainant's own showing in his said bill that he, the said complainant, is not the sole heir at law of James Rush, the testator in the said bill named, but that there are other heirs at law of the said testator whom the complainant has not made parties to the said bill, nor has he stated any sufficient excuse for their non-joinder.

stricted upon questions of vast importance to books confined to one side of the question. It was clearly within the discretion of the trustees to decide what books they would have; and so long as they do not allow indecent or ribald books on their shelves they are exercising that discretion in a wise way."—*North American*, April 10th, 1878.