

2. By virtue of the act of the General Assembly of this Commonwealth, approved the twenty-sixth day of April, A. D. 1855, the complainant, as an heir at law, has no interest in the estate of the said testator upon the grounds stated in the bill.

3. If the provisions of the testator's will were invalid, as charged by the complainant, any proceedings by reason thereof must be instituted by leave of the Attorney-General of this Commonwealth, according to the said statute in such case provided.

8. If the objects for which said purchase was made were or are void, the property would, under the said statute, become part of the testator's residuary estate, to the exclusion of the complainant.

11. If no disposition were made of the residuary estate not thus expended nor required for paying annuities, yet any such surplus is not vested in the complainant, but remains as a gift to charitable uses, to be applied under the said statute in that behalf provided.

15. The complainant is debarred by his *laches* from controverting the provisions of the said will; and, by reason of lapse of time, no alleged invalidity of the codicils, or any part thereof, can now avoid the will.

16. The complainant, while seeking equity, has not offered to do equity, in this, namely, he has not offered to repay to the executor any moneys, part of the testator's estate bequeathed for the use of this defendant, which the executor may have expended upon the lot of ground now claimed by the complainant.

