instrument. The provisions of both are, if possible, to be harmoniously construed, and a repeal by implication is invariably struggled against by the courts. For this it would be superfluous to cite authority.

It remains only to observe that there are reasons why the English cases should favor the heir at law, which do not exist here. "They owe their origin," said Taney, Ch. J., in Bosley *vs.* Bosley, 14 Howard, 397, "to the principles of the feudal system, which always favored the heir at law, because it was its policy to perpetuate large estates in the same family. * * * * It has not been the disposition of courts of justice, in modern times, to extend the application of these rigid technical rules, but rather to carry out the intention of the testator, where no fixed rule of legal interpretation stands in the way. And this is, or ought to be, more especially the case in this country."

But even suppose, upon the plaintiff's contention, that the income left *was* insufficient, this does not avoid the gift, nor revoke the will. There is nothing either illegal or absurd about it. Suppose several testators should agree, one to leave to a library a building fund, another a fund for current expenses, and another a fund for future increase, could the heirs at law of the first recover the estate, because *his* testator had not also left an income to support the institution? Force of example is as great in charity as in other things of life, and many a testator has bequeathed just enough to start a charity, or to build its foundations, leaving his work as an example to others. And it is by such force of example that many of the greatest charities in the world are such as they are.

10. The testator having devised all his estate for a library, a subsequent direction to purchase a lot for it