

and the erection of the library building, construction of book-cases, &c., leaving the said company only an income sufficient to defray the ordinary and strictly appropriate expenses of such an institution." It was urged that here was a direction for the construction of a magnificent shell, without any provision to purchase books; that to erect a building of the character indicated, and line its walls with shelves upon which no books could ever be placed, would not be creating a library, but on the contrary would defeat the very object the testator had in his mind, and would serve no useful purpose which a court of equity would be under a duty to enforce as against the heir at law. It is sufficient to say, by way of answer to this, that the allegation of want of funds to sustain the library is unfounded. The codicil relied on by the plaintiffs provides that the annuities, amounting to \$10,400, shall be applied to the support of the library as they shall respectively fall in. In addition, this was the gift of a building to a library company already organized, and which had been in existence for many years, and, as we learn from the will of Dr. Rush, with funds and income of its own. The chief object of the testator was to enlarge the scope of a charity already in existence, not to found a new one. It can not be seriously contended that the devise of a building to a library company for the safe keeping and convenient use of its books is void or incapable of execution because unaccompanied with the bequest of a fund to purchase books, pay the taxes, or provide for any of the other expenses of such institutions.

The entire weight of the able arguments on behalf of the plaintiffs was brought to bear upon the single point that to carry out the provisions of the will of Dr. Rush would be contrary to every principle of good morals and religion, and against the policy of the law; the amended bill expressly charging "that the works directed by the said Dr. James Rush to be published every ten years, and earlier