

and oftener if called for, in the paper writing dated April 18th, 1867 (last codicil), contain infidel and atheistical sentiments, teachings and arguments, and that said works deny the truths of the Christian religion and of revelation and the existence of a God; and the plaintiff charges that the effect of carrying out and executing said trust would be the propagation of infidel and atheistical doctrines, and would be contrary to good morals and to law." The amendment containing the foregoing grave averments was filed in the court below after the case had been argued and the day before it was decided. The defendants contend that it was filed irregularly, and ought not to be considered here. Yet it comes up regularly, no motion has been made here or in the court below to purge the record; and for the purposes of this case we shall consider it as before us, without, however, deciding any question of its regularity. The only other matter relied on by the plaintiffs to sustain their position is the fifth section of the first codicil of the testator's will, which is as follows:—

"I do not wish that any work should be excluded from the library on account of its difference from the ordinary or conventional opinions on the subjects of science, government, theology, morals or medicine, provided it contains neither ribaldry nor indecency."

Following immediately after, in the same section of the same codicil, the testator adds, evidently in explanation and vindication of the above, the following:—

"Temperate, sincere and intelligent inquiry and discussion are only to be dreaded by the advocates of error. The truth need not fear them, nor do I wish the Ridgway Branch of the Philadelphia Library to be incumbered with the ephemeral biographies, novels and works of fiction or amusement, newspapers or periodicals, which form so

