

to see that it is evasive and uncertain. There is no statement how the lot was so purchased and conveyed, nor whether it was conveyed by the testator or to the testator, nor when, by whom or in what manner it was conveyed for a charitable use. The act of Assembly is in derogation of the common-law right of conveyance, and the averments of the bill must be so distinct and clear as to bring the case within the terms of the law. Instead of these defects being cured by the demurrer, the law has always been that upon special demurrer such defects are fatal. One of the principal rules laid down by Stephen in his treatise on Pleading, at page 378, is the following:—"Pleadings must not be ambiguous or doubtful in meaning; and when two different meanings present themselves, that construction shall be adopted which is most unfavorable to the party pleading." To the same point is the third of Bacon's maxims: "You shall find that in all imperfections of pleadings, whether it be in ambiguity of words and double intendments, or want of certainty and averments, or impropriety of words or repugnance and absurdity of words, Ever the plea shall be strictly and strongly taken against him that pleads," and Evans in his work on pleading, referring to the above rule laid down by Stephen, says at page 188: "This rule which is applied by our law to all writings whatever, has its origin in the just and obvious policy of discouraging a crafty ambiguity. Its application is more vigorous in some cases than in others. Rigor is more or less proper as the probability of a designed ambiguity is greater and that of ignorance less. In pleadings which are or ought to be drawn with great care by men thoroughly acquainted with the effect of language, a case proper for the utmost rigor is presented." A host of authorities are cited by Stephen in support of his text. We need not refer to them, as the rule is well settled.

Aside from the defective averments in the bill, it is mani-