

"2. By virtue of the act of the General Assembly of this Commonwealth, approved the 26th 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."

The object of the bill is to declare an intestacy as to the residue, because,

*First.*—Its disposition is so uncertain as to be incapable of clear meaning and impossible of execution ;

*Second.*—Even if possible to be carried out, it is contrary to religion and morality.

If these were indeed so, the heir at law would, according to the common law, have a standing in court. But in Pennsylvania, the act of 26th April, 1855, section 10 (Purdon, 207), declares as follows :—

"No disposition of property hereafter made for any religious, *charitable, literary* or scientific use, shall fail for want of a trustee, or by *reason of the objects being indefinite, uncertain*, or ceasing or depending upon the discretion of a lost trustee, or being given in perpetuity or in excess of the annual value hereinbefore limited ; but it shall be the duty of any orphans' court, or court having equity jurisdiction in the proper county, to supply a trustee, and by its decrees to carry into effect the intent of the donor or testator, so far as the same can be ascertained and carried into effect consistently with law or equity ; for which purpose the proceeding shall be instituted by leave of the attorney-general of the Commonwealth, on the relation of any institution, as-