

trine of *cy pres*, so far as it has been expressly adopted by us. * * The meaning of the doctrine, as received by us, is that when a definite function or duty is to be performed, and it cannot be done in exact conformity with the scheme of the person or persons who have provided for it, it must be performed with as close *approximation* to that scheme as reasonably practicable ; and so, of course, it must be enforced."

And the rule was practically applied by this court in *Heddleson's Estate*, 8 Phil. Rep., 602.

"7. If, as alleged in the bill, the testator purchased the said lot of ground situate at the corner of Broad and Christian streets, within one calendar month prior to his death, yet this purchase was not such a conveyance in trust for charitable uses as is void by reason of the provisions of the said statute in that behalf provided."

The statement of the bill as to this is evasive.

It is thus:—

"That within one calendar month prior to his decease, the said Dr. James Rush purchased a lot of ground, situate on the south-east corner of Broad and Christian streets, in the city of Philadelphia, which said lot was purchased by him, and was subsequently conveyed for a charitable use, as set forth in the trusts and conditions contained in the aforesaid writings, alleged to be his last will and codicils."

It is not stated how the lot was so purchased and conveyed, and this want of precision is bad on special demurrer.

But apart from this, every line in the testator's will and codicils about the charity he designed to endow was written

