

Obviously, the next of kin or heirs cannot take if there be a residuary legatee. In his very last codicil, the testator speaks of "the motives which induced me to choose The Philadelphia Library Company as *the heir to my estate*." Evidently, the last thing the testator wanted was that he should die intestate.

"9. The additional directions contained in the last codicil as to the management of the Library after acceptance, did not, as alleged in the bill, revoke the prior provisions of the will as to the disposition thereof in case of non-acceptance."

The "additional directions in the last codicil" were, first, an authority to expend all the estate, except a certain reserved fund, in the erection of the library and book-cases; and second, to publish editions of the testator's works.

It is difficult to see how either of these is a revocation of the will.

But the first clause of these "additional directions" is capable of a misconstruction which a few words can set right.

The clause is as follows :—

"I have given and devised the greater part of my estate to my executor for the purpose of erecting for the Library Company of Philadelphia a building not only large enough to contain their present books, but also their probable increase for many years to come. Now, as I do not desire that the Library Company shall have an income greater than is required to provide for the legitimate (not a competing) increase of the library and their current expenses (not to be so large as to invite extravagance and waste), for

