In the books the rule is stated more strongly, but when we take the two admissions, even as stated by the plaintiffs, it is difficult to see why they should be in a court of equity praying for a Master to select a site under the supervision of the court.

The will is the law of this estate. The intention of the testator is the pole star to guide the court in the construction and administration of the will. If Dr. Rush's estate is not to be treated as derelict, a waif to be grabbed by the first finder, if it is entitled to the protection of law, then the law must be applied according to the will, and that commits the selection of a site not to the discretion of this learned court, nor to any of its masters, but solely and exclusively to the discretion of Henry J. Williams.

So obvious is it that, upon the will and the law which belongs to the will, the plaintiffs have no case for a court of equity, they find themselves obliged to go outside and look up some exterior fact on which to build their exceedingly artificial edifice. They fancy they have found it in a circumstance which Mr. Williams has never attempted to conceal, but which, with indiscreet frankness, he has avowed and admitted again and again, verbally and in writing, to wit, that he purchased this lot for Dr. Rush before his death and by his express direction, and promised him eight days before his death that the Library building should be erected on this lot.

As this is the sole foundation of the plaintiffs' bill, I beg your Honor's attention to the following observations upon it.

1. It is an "exterior" fact. This is the very word one of the learned counsel applied to it in the argument at Nisi Prius. It does not arise out of the will, but it is brought in by parol evidence to defeat a main purpose of the will. No sane man will doubt that Dr. Rush intended