

21. I deny the correctness of the charge in the thirty-fourth paragraph, that the "selection of the said site will not only be destructive of their own interests, as aforesaid, but will also frustrate the main intent of the testator," and I dispute the relevancy, as proof, of the remaining allegations in said paragraph.

The vice of the argumentative averments in said paragraph lies in their assumption of what has not been shown, viz., the necessity for the erection of two buildings, and of their right, after receiving a conveyance of the building, to use another as a permanent depository for their collection of books. If they do not intend to occupy it for "the uses and purposes of their library," good faith should dictate a non-acceptance.

Though it is not necessary to discuss the practicability of an experiment which they have no warrant or power to try, viz., whether their income will be sufficient to maintain two establishments, I feel very confident that they will be in the receipt of a much larger one than they allege.

In addition to that admitted, viz:—	\$8,884 47
They will have the interest upon the proceeds of the sale of their present building, at a moderate estimate, \$100,000	6,000 00
Upon the annuity fund, eventually, say	12,000 00
And, most probably, upon \$100,000, which I hope to save by accumulations	6,000 00
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	\$32,844 47

Besides this large income, the complainants admit (Bill, p. 4) that they have a building fund of \$90,000, which will provide ample means for all improvements or additions, whenever they may be required.

They have no right to control my honest expenditure in the erection, even though it exceed \$700,000. In carrying out testator's plans and my own views of what is requisite, I will be justified in spending the whole estate excepting the annuity fund. (Will, p. 24.) If necessary, I will do so; but I do not intend to pay for the work he has directed to be done,

