

Company using the building, though they may refuse or be removed from the trust. In the fourth paragraph of the additional codicil he uses this language: If the Library Company shall in any respect violate, or omit to comply with any of the provisions, &c., therein contained, then I will and direct, that the Pennsylvania Company for Insurance on Lives, &c., shall and may, or if they omit, any Citizen of Philadelphia may apply to the proper Courts of the Commonwealth, to compel the Library Company to comply, or remove them from the trust "and transfer the whole real and personal estate aforesaid, including the Library Buildings, and all the books and furniture belonging to the Ridgway Branch of the Philadelphia Library, unto the said Pennsylvania Company, or if they shall refuse, to some other trust company of the city, who shall take and hold the whole of the said estates, &c., &c., &c. ; *permitting, however, if in their sole discretion they shall think proper so to do, but not otherwise*, the said Philadelphia Library Company to occupy the Library Building, and to take charge of the books, &c., of the Ridgway Branch thereof, provided they shall do so under the absolute direction and control of the new trustees, who shall strictly supervise, and entirely control and direct, all the expenditures of my estate in relation thereto, and who may at any time remove them from the said charge, if the Library Company shall not submit and conform to such control and direction."

As to the III. general ground of demurrer, to wit:

"III. The alleged acceptance has been withdrawn. By their "acceptance on the twenty-fifth of May, 1870, of the said Act "of Assembly, the complainants distinctly elected, as they allege, 'not to allow this collection of books to be removed to "the building to be erected by the defendant, if placed on the "proposed site,' and this election, so far as appears from the "averments in their bill, was made in the belief that I was "acting in entire accordance with the directions of the will, for "they aver no knowledge until the receipt of my letter of the