

Thus, by the terms of the will, the testator reserved to himself the right to leave written instructions; and if he did not, that the executor should act upon his *verbal* directions. His verbal instructions to his executor are therefore within the very line of the written will. It is a matter of history that the war of the rebellion changed the whole surface of affairs in this city as well as elsewhere, by the inflation of the currency, the rise of prices, and increase of business.

These had a strong influence on Dr. Rush's mind. Let the language of the first codicil express his own thought. Paragraph 26—"Events and circumstances occurring within the last six years have obliged me to make several changes in my will." Then he proceeds to state the risk of making a new will, lest his death within thirty days afterwards might void it. "To void the possibility of such a result (he proceeds), I must let it stand as it is, and add other provisions as they may occur to me."

The codicil is dated May 16th, 1866. No better exposition of the testator's thoughts can be made than thus given to us in his own words, to exhibit the state of his mind when he made the second codicil, of the 18th of April, 1867. Remembering this, the testator's change of views since 1860, when the original will was made, is clearly expressed in the language of the second codicil.

SECT. 2. "I have in my will *limited the extent of the lot to be purchased for the library building, as well as its localities*; but as I desire that it shall have not only strength, durability and accommodation, but also be of *sufficient magnitude for any future or contingent*, but not ambitious or competing increase of the library, *in order to prevent*, if possible, it being torn down in twenty years, *and the lot sold at a speculative profit to suit the hyperbole of the times*. I authorize and allow my executor under a broad and thoughtful foresight to *increase the size of the lot*, and select *any situation he may*

