

mise given before any duty devolved upon him, to the only person who had a right to object, rendered it impossible for him thereafter to exercise any judgment, although the exigency against which the promise was meant to guard—the ascertainment of a lot more suitable—has never arisen. In view of this claim we do not care to discuss the questions to which the Master's report is principally devoted, such as whether or not the complainants are a *charity*, or whether they have done what was necessary to put them in a position to pray for relief. A very cursory examination has shown that they have sedulously avoided committing themselves to any decided acceptance of the legacy, and that they have inserted in the act of Assembly which they drafted, a proviso, that will render it impossible for them ever to accept it, in good faith. Though their *legal* rights be not dependent upon their establishing their *status* as a charity, still, in one aspect of the case, such *status* is not without importance, as their refusal to comply with the conditions imposed will lead to the establishment of a library which will be a great public charity.

Behind such minor questions, looms through the darkness out of which it arose, the shadow of a doctrine, so monstrous in its proportions, that everything else will be left unnoticed, in the effort to secure for it the judicial condemnation it so richly deserves. This doctrine, stated above, we will examine from several points of view, and by the light of certain propositions which we hope to maintain.

First. The nature and design of the power conferred upon Mr. Williams will be briefly considered.

Second. The decree can only be sustained by maintaining the three propositions following, all of which, we submit, are indefensible.

1. That Mr. Williams acted under his promise and not in pursuance of his power, and that it is impossible for

