

render more marked the withdrawal of the restriction as to locality which the *testator* had theretofore deemed expedient.

The main desire was to secure a lot possessing ADEQUATE DIMENSIONS, in order to guard against the danger of demolition, of which Dr. Rush manifested such an almost morbid fear. Centrality had once been made a condition; but, finding it only obtainable at a risk he deemed too great, Dr. Rush withdrew the restrictions by which it would have been insured. When the Executor found that a lot sufficiently large could not be obtained within the old limits, he availed himself of the privilege thus given him.

At best, "expediency" is prescribed as the reason for selection. This is defined as "propriety under the peculiar circumstances of the case." A perusal of his will shows that Dr. Rush had peculiar ideas as to the uses and purposes of a library. He did not wish to endow one of those lounging, chess-playing, novel-circulating libraries of the day, which must be established in the midst of the peculiar community to which they cater. With a full knowledge of what would best effectuate the end of his will, he deliberately purchased the lot in question. Though it is not necessary for the purposes of this case, we might well contend, that as the one who best knew what was wanted, deemed it most suitable, Mr. Williams might also select it as "most proper under the peculiar circumstances of the case."

In *Hitch v. Leworthy*, 2 Hare 207, there was a "devise
"and bequest of freehold, copyhold, and personal estate,
"upon trust for sale at the discretion of the trustee, and
"that the rents, interest, and proceeds should be divided
"amongst a class, either equally or in other proportions as
"the trustees, having regard to their circumstances, should
"appoint; followed by an unattested codicil, directing the
"application of such rents, interest, and proceeds for the
"benefit of such of the class as were unmarried or unset-
"tled, and particularly for the comfortable support of P.
"(one of the class), who was of weak mind." In appoint-