

2. By virtue of the act of the General Assembly of this Commonwealth, approved the twenty-sixth day of April, A. D. 1855, the complainant, as an heir at law, has no interest in the estate of the said testator upon the grounds stated in the bill.

3. If the provisions of the testator's will were invalid, as charged by the complainant, any proceedings by reason thereof must be instituted by leave of the Attorney-General of this Commonwealth according to the said statute in such case provided.

4. Upon the complainant's own showing, the allegation of the want of funds wherewith to maintain the Library in the said will mentioned is untrue in this, that by the very codicil relied on in the bill, the testator expressly dedicates for such purpose a fund of sufficient amount to secure certain annuities, whose aggregate is ten thousand six hundred and forty dollars per annum.

5. The clauses of the said will alleged to be contrary to morality are merely directory, and do not compel the purchase or preservation of any book whatever; nor can it be assumed that it was the intention of the testator to preserve illegal publications, and the purchasing of none other can be held to be a violation of law.

6. If, as alleged in the bill, certain parts of the said testator's scheme for a Library are impracticable or illegal, this will not defeat the scheme as a whole, but the same will be carried into effect in manner as nearly in conformity with the intent of the testator as practicable, according to the provisions of the said statute in such case provided.

7. If, as alleged in the bill, the testator purchased the said lot of ground, situate at the corner of Broad and Christian streets, within one calendar month prior to his death,