

yet this purchase was not such a conveyance in trust for charitable uses as is void by reason of the provisions of the said statute in that behalf provided.

8. If the objects for which said purchase was made were or are void, the property would, under the said statute, become part of the testator's residuary estate, to the exclusion of the complainant.

9. The additional directions contained in the last codicil as to the management of the Library after acceptance, did not, as alleged in the bill, revoke the prior provisions of the will as to the disposition thereof in case of non-acceptance.

10. The testator having, by his will, devised his whole estate in trust for the uses of a Library, any subsequent direction to expend any part thereof in the purchase and improvement of a lot for the same, did not operate as a revocation of the previous gift; nor could the failure or omission by the executor to expend the whole remainder of the estate in such purchase and improvement, being a matter over which the beneficiary had no control, divest the estate, or any part thereof, so as aforesaid devised.

11. If no disposition were made of the residuary estate not thus expended nor required for paying annuities, yet any such surplus is not vested in the complainant, but remains as a gift to charitable uses to be applied under the said statute in that behalf provided.

12. It is not alleged in the said bill that the time has yet arrived for this defendant to elect to accept or refuse the trusts in the said bill contained, and the averments therein as to the refusal, incapacity or failure of this defendant so to accept, are too uncertain and inconsistent to require answer thereto.

