

13. It appears by the complainant's own showing that the person is still living whose discretion is alleged to be necessary to execute the trusts in the said bill contained.

14. The trusts defined by the will are sufficiently certain to be carried into effect after the selection of the lot referred to, without requiring the personal direction of the executor, defendant herein, and moreover, in case of the death of the latter, certain other persons are, by the said will, nominated and appointed by the said testator to be executors in his place and stead.

15. The complainant is debarred by his *laches* from controverting the provisions of the said will; and, by reason of lapse of time, no alleged invalidity of the codicils, or any part thereof, can now avoid the will.

16. The complainant, while seeking equity, has not offered to do equity, in this, namely, he has not offered to repay to the executor any moneys, part of the testator's estate bequeathed for the use of this defendant, which the executor may have expended upon the lot of ground now claimed by the complainant.

WM. HENRY RAWLE,
R. C. MCMURTRIE,
For Defendant.

Lloyd P. Smith, treasurer of the Library Company of Philadelphia, being duly affirmed, says that the above demurrer is not interposed for the purpose of delay.

LLOYD P. SMITH.

Affirmed and subscribed before me, this fourth day of March, A. D. 1878.

[SEAL]

WM. S. BAILEY,
Notary Public.