

III.—That your orator is the son of Thomas Manners and Mary Rush Manners, his wife; said Mary Rush Manners having been a sister of said James Rush, deceased, and having intermarried with said Thomas Manners, they had issue the said plaintiff, Robert Manners; and the said Mary Rush Manners afterwards died, November 2, 1849; so that your orator is a nephew of said James Rush, deceased, and as his heir-at-law, is entitled to his proper share of all estate and property whereof the said decedent died seised and intestate.

IV.—That on the thirty-first day of May, A. D., 1869, without notice to, or knowledge of, the complainant, certain writings, purporting to be the last Will and Testament, and Codicils thereto, of the said Dr. James Rush, deceased, were admitted to probate by the Register of Wills in and for the City and County of Philadelphia, and Letters Testamentary were granted thereon to Henry J. Williams, Esq., one of the defendants in this action. A copy of the said writings is hereto attached, and marked "Exhibit A."

V.—That in the attempted disposition of the residue of the estate of said decedent, the said writings, alleged to be the last Will and Codicils of said Dr. James Rush, deceased, are so uncertain as to be incapable of any clear meaning—are full of contradictory and repugnant clauses, and are impossible of execution; and, if possible of being carried out, the execution thereof would be contrary to sound morals and to religion, and would be opposed to the policy of the law.

VI.—"The Library Company of Philadelphia" have not finally accepted the devise contained in said alleged Will and Codicils, and have declined to accept the same upon the trusts and conditions in said writings mentioned.

And your orator charges that the said "The Library Company of Philadelphia" have now no power to accept the devise contained in said alleged Will and Codicils, and