

In the will dated 26th February, 1860, Dr. Rush gives his whole estate to his Executor in trust, after providing for annuities, "to erect a fire-proof building sufficiently large to accommodate and contain all the books of the Library Company of Philadelphia (whose Library is now at the corner of Fifth and Library Streets), and to provide for its future extension."

And "to convey the same with the lot of ground whereon it is erected unto The Library Company of Philadelphia, etc., for the uses and purposes of their Library, and for no other use or purpose whatever."

The first trust as to the residue is—

"To keep the real estate in repair, etc., and to make from time to time such additions to the Library building as may be found necessary for the extension and preservation and convenient use of the said Library, and all additions thereto."

"The said Library is to be kept open from 9 A.M. until at or near sunset," etc.

In his codicil of 18th April, 1867, the testator says:—

"I have given and devised the greater part of my estate to my executor for the purpose of erecting for the Library Company of Philadelphia, a building not only large enough to contain their present books, but also their probable increase for many years to come."

We incline to the opinion that the spirit of the will requires that the books belonging to the Philadelphia Library Company should be removed to the new building; and that the testator did not contemplate the existence of several Library buildings, in different parts of the city, in which the books of the Library might be distributed at the discretion of the Company.

It is not inconsistent with this view that the testator designates the building to be erected and all his property devised and bequeathed for the use of the Philadelphia Library and the books purchased with the proceeds thereof as "The Ridgway Branch of the Philadelphia Library."

Unless it is very clear (which we do not think it is) that

