

collection to the site proposed by the defendant; and at the same meeting, of the 298 votes cast in favor of the acceptance of the gift, 256 votes were cast in favor of the following resolution:—

“*Resolved*, That so much of the present collection of books and other property of the company as may by the directors be deemed expedient, shall be retained in the present or some other central position for general use and circulation.”

By which it would appear, that, out of 591 votes cast, 549 were, in effect, cast against the removal of the collection of the library to that site.

XXII. Your orators, therefore, deeply impressed with the great advantages that might be derived from a proper use of the discretion given by the testator to his executor,—the desirableness of having a proper building for the preservation and use of their library in a convenient location—the waste of money consequent on the erection of two buildings so remote from each other, for one common object—the still further waste in the maintenance of two distinct establishments therefor, and the apparent violation of the cardinal intent of the testator by so doing,—used all the influence they possessed to prevent such a selection of the site by the defendant.

XXIII. As soon, therefore, as they found themselves, by reason of their acceptance of the said bequest, and the allowance of the amendments to their charter necessary thereto, in a legal position to act under the trusts of the will, they put themselves in communication with the defendant, and, at a meeting of the board of directors held on the 10th of December, 1870, the following resolution was passed:—

“That the secretary be directed to inform Henry J. Williams, Esq., the executor of the will of Dr. Rush, of the amendments of the charter of the company, and to notify him that the company is now ready to undertake the performance of their duties as trustees of the Ridgway Branch of the Library.”

