

XXVI. As evidence of this, your orators show to the court the following facts:—They have already referred to a special meeting of their shareholders, which was held on the 29th of June, 1869. At that meeting the defendant was present, and he then verbally mentioned his determination to place the said library on the Broad street lot. After the meeting, being strongly urged by the committee to change that site for another equally good, and in a more central location, he, in order to relieve himself from the pressure thus put upon him, assigned, among other reasons for his determination, that a loss to the estate would ensue if the lot was not used for that purpose. In answer to this, it was at once arranged that any such loss would be met by voluntary contributions in relief of the estate; whereupon the defendant declined the proposition, and announced his final determination to place the building upon that lot, under all circumstances and regardless of all consequences, unless prevented by a court of competent jurisdiction.

XXVII. As further and conclusive evidence in this behalf, your orators show that, in answer to a letter from Dr. Willing, the chairman of the said committee appointed on the 10th of December, 1870, the following communication was received from the defendant:—

CHESTNUT HILL, Dec. 30th, 1870.

MY DEAR DOCTOR:—I did not intend my note of the 17th instant to be a formal reply to the resolutions of the directors of the Library Company, nor to prevent the committee from having the conference they requested. So far from it, that I mentioned both time and place at which I would have been happy to meet them. I cannot, however, conceal my conviction, that nothing they would say would change my intention of placing the Ridgway branch of the Philadelphia Library on the lot purchased by Dr. Rush for its site; and, after all that has taken place, I must confess I am a little surprised that they should again ask me to do so. Judge Hare and yourself must both be fully aware (for I have stated them, I believe,

