

the 5th day of October, 1869, by a majority of twenty-five, the complainants, in ordering the transmission of a copy of what they called their vote of acceptance, *voted down* a resolution "acknowledging the high appreciation by the company "of the confidence reposed in them by Doctor Rush, and of "their cordial willingness to unite in carrying out in the most "beneficial way his philanthropic intentions." Persistent efforts to evade and violate his directions have culminated in the "*prayer for relief*," from the plainly written directions and conditions of the will, to the benefits of which they most tenaciously cling,—a prayer which does not stop with the demand for an injunction against using a lot in favor of which I am said to be prejudiced, but which will, if granted under the pretence of carrying out the true (!) intent and purpose of the testator, not only prevent his chosen agent from building where he thinks "most expedient," but will confer upon an entire stranger, acting at the suggestion, and upon the inspiration of a company, [which, if their appreciation of the privations inflicted by the receipt of more than a million dollars grows much keener, must ultimately refuse it,] the right to say how much shall be paid for a lot, where it shall be located, the amount which must be expended in a building, and how it shall be constructed.

If it is not for the interest of complainants, as to which they alone can judge, to accept Dr. Rush's magnificent bequest in their favor, they are under no compulsion to do so, for he could not force them to see their interests as he saw them; but, if they do accept, it must be subject to the conditions imposed, viz., the exercise of my discretion as to location and construction, and the other directions of his will and codicils.

I would have been most happy to have shown to the Library Company all my plans, to have given to all their suggestions patient and careful attention and consideration, and to have deferred to their wishes where no duty prevented, had I been met with friendliness instead of with fault-finding, suspicion, and attack; but now, after all that has occurred, and the efforts which have been made to compel me to disregard my solemn oath, as an executor, to act in accordance with my judg-