

as my oath—my opinion—that of the testator—and my promise all point to the same conclusion, I conceive my way to be clear and my discretion not to be subject to be limited or controlled.

When I gave my promise, I was fully acquainted with most of the facts upon which I have since, under the will, formed my opinion. I was aware of the power I would be called upon to exercise if I became the executor, and believed that, in the proper exercise of that discretion, I would be able to fulfil my promise.

13. I admit the truth of the averment in the twenty-sixth paragraph, as to my verbal announcement at a meeting of stockholders held on the 29th June, 1869, of my intention to place the library building on said lot. I also aver, that I then stated that, in my own judgment, this lot was well adapted for the purpose intended.

I am not aware that any arrangement was made to meet, by voluntary contributions, the loss which would or might ensue from a sale of the lot so purchased. I never heard any arrangement even suggested to make up the additional amount which would be required to purchase another lot.

14. I admit that I wrote to Dr. Willing on the 30th December, 1870, the letter from which an extract has been given in the twenty-seventh paragraph.

Its statements are true. Though the letter to which it was a response gave no intimation of such intention, it was written with a knowledge of threatened litigation.

I annex a full copy of this letter as Exhibit B.

15. I am willing to admit the soundness of the advice alleged to have been given complainants in the twenty-eighth paragraph of their bill, saving that I am advised a court of equity will not in all, or even in many cases, exercise a discretion which the donee of the power is disqualified from exercising.

I do not care to deny that "the verbal directions of the testator, varying the nature of the trust and confidence reposed by him in the defendant," "were as absolutely null and void (legally) as those of a stranger;" but I cannot admit that this would be the case if the directions were in writing, even

