

as to the manner in which his money should be expended. The "excuses" in that paragraph charged to have been given by me, I have no recollection of having ever made.

18. I deny that "my determination or selection of the said lot at the southeast corner of Broad and Christian Streets, as a site for the building to be erected under the trusts in the will contained, is wholly" (or partially) "nugatory, void, and ineffective," as charged in the 32d paragraph of the bill. I am advised and therefore aver, that an alteration in a will withdrawing some of the powers conferred for the benefit of any corporation, "if otherwise made in the most lawful and binding manner," would not be wholly void and of no effect, by reason of having been made within one calendar month prior to the testator's death.

19. I demur as to the materiality, and deny the correctness, of the charge in the 33d paragraph, that the site selected is "utterly ruinous and destructive of the general purposes for which the complainants were incorporated;" and as "evidence" of this, again refer to the action of the majority of the complainants, who would never have brought down this ruin upon themselves by accepting the bequest that occasioned it; and to the acts of those of them who, in November, 1869, voluntarily paid \$20 more for each share, though it had been thus ruined, than they were ever before willing to give.

I deny that the selection of this site "compels an election (by complainants) not authorized by the will," or that it compels them "either to place their collection of books where "it will be utterly or comparatively useless to their shareholders, or else lose the benefit of the inestimable gift of the "testator to them of a building to contain their books and "property."

The *will* not only authorizes, but *compels* the complainants to elect whether they will accept the building upon the site I select or not, and this, though the site be, what I deny most emphatically, utterly unfit for the purposes of their library, and though it might be more advantageous to them to dispense with this election, and to use the money in the way *they* think most to their interest.

