

"That the Court may from time to time give such further instructions, and make such further orders and decrees in the administration of the trust, as to them shall seem fit; and especially that it may declare how much of the *corpus* of the estate shall or ought to be expended and employed in the purchase of a convenient lot of ground and the erection of a suitable building thereon."

"That the defendant may be restrained by injunction, preliminary until the hearing and perpetual thereafter, from proceeding to erect the said building on the said lot situate on the south-east corner of Broad and Christian Streets."

The assigned reason for demanding this extraordinary interference is, that after most anxious and careful inquiries for a suitable site had been made; after the merits and demerits of all available had been exhaustively discussed; after Mr. Williams had approved of the purchase of a lot for the purpose intended; after it had been bought and partly paid for by Dr. Rush; after the committee of the Library Company to select a site, with the knowledge that their opinion had been sought by Dr. Rush and was to be communicated to him, had said that they thought there would be no objection on the part of the intended beneficiaries, Mr. Williams promised the testator that he "would build the Library on that lot and nowhere else."

At the time this promise was given, Mr. Williams believed the lot in question was the best that could be procured. He so swears in his Answer (*q*) and in his testimony, (*r*) and he is confirmed by Mr. Wharton, who testifies, (*s*) that, *prior to the promise*, Mr. Williams told him, "*That there was a lot at the corner of Broad and Christian Streets suitable for the purposes of the Library.*"

It is admitted that Mr. Williams, since his appointment as executor, has striven to the very best of his ability to

(*q*) Answer, page 11.

(*r*) Examiner's Report, page 208.

(*s*) Examiner's Report, pages 21 and 33.

