

perly shape his course. Knowing that his days were numbered and that delay might prove fatal to the performance of his duty, he asked for this. Five months elapsed before he received it, and though it was then decided by a majority of 5 out of 597 votes to accept, it was also decided by a majority of 25, that no acknowledgment of appreciation should be expressed, for the confidence reposed in the company by Dr. Rush.^(t) Threats were made of an appeal to the courts because of alleged improprieties in casting votes,^(u) which allegations were not without foundation, for it was admitted by Mr. Smith, the librarian of the Company, that he voted one proxy for, which he had been instructed to vote against, acceptance.^(v)

A course was subsequently adopted which had been disapproved of at the preliminary meeting. It was determined that the Company would accept the bequest of Dr. Rush, but that they would quietly evade its obligations, by erecting a building of their own in which they would put some or all of their books, and that as to such books and other property their entire and complete control should be reserved without regard to conditions.

There is no doubt that Dr. Rush designed the building, for whose erection he so munificently provided, as a receptacle for the Library books. This is admitted by the complainants.^(w) Their directors long ago reported:—^(x)

"We incline to the opinion that the spirit of the will requires that the books belonging to the Philadelphia Library Company should be removed to the new building; and that the testator did not contemplate the existence of several library buildings, in different parts of the city, in which the books of the library might be distributed at the discretion of the Company. It is not inconsistent with this view that the testator designates

(t) Examiner's Report, page 140.

(u) Examiner's Report, p. 27.

(v) Examiner's Report, page 19.

(w) Bill, page 10.

(x) Examiner's Report, page 193c.

