

based, is to be found in the letter from Mr. Williams to Dr. Willing, bearing date 30th Dec., 1870.(y)

It was written under these circumstances. Mr. Williams had selected the site in accordance with his own judgment. He had so announced, repeatedly. Whenever questioned, he had asserted, most decidedly, that in his opinion, it was the best for the purpose. The Library Company were fully aware of all this, and of the fact of Dr. Rush's desire for the erection of the building thereon. No one had ever suggested a better, feasible site. The Company, as we have seen, despite their first vote, had reconsidered their original resolution, and had decided upon a course in direct violation of the testator's design and intention as understood by themselves.

After all this, and after the whole matter had been exhausted and exhaustingly discussed, without suggesting any reasons why his own judgment should be set aside and that of the Directors should be substituted, Mr. Williams was advised by them, on the 12th Dec., 1870—nearly nineteen months after Dr. Rush's decease—of the passage of the following preamble and resolutions:—

"Whereas, At a meeting of the members of the Library Company held on the 29th day of June, 1869, Mr. Williams, as Executor of Dr. Rush, expressed an intention of erecting the Library Building contemplated by the provisions of the said will on the square of ground on the corner of Broad and Christian Streets in this city."

"Now further Resolved, That it is the opinion of the Directors of this Company that the removal of their collection of books to the site thus proposed would, under the circumstances, be destructive of the interests of the Library and contrary to the wishes of a vast majority of the Stockholders."

"Resolved, That the Directors take this, as the first opportunity since the Company has been authorized by law to accept the trusts of Dr. Rush's will, to express to Mr. Williams their earnest hope and request that he will reconsider his said intention of building on the site named."

"Resolved, That Dr. Willing, Judge Hare, and Mr. Lea be

(y) Bill, page 17. Answer, page 29.

