

"appointed a committee to communicate these resolutions to Mr. Williams and to confer with him on the subject.

"*It was further Resolved*, That the counsel of the Company be consulted with regard to the present rights and duties of the Library Company of Philadelphia as Trustees for the Ridgway Branch of the Library."

In reply to this he wrote. After informing the Committee of the fact of his promise to Dr. Rush, he asked them whether it would be consistent with truth and honesty for him VOLUNTARILY, in opposition to the wishes of the testator and to 'HIS OWN DELIBERATE JUDGMENT,' to violate a pledge given under circumstances, which rendered it as sacred as an oath, for the reasons assigned, viz., "to gratify the wishes of the shareholders," who had refused to pass a resolution expressing their gratitude for Dr. Rush's gift. He balanced the respective weight of the wishes of ungrateful beneficiaries and of a munificent testator, and he argued that he had no right to turn the scales in favor of the former, voluntarily, in opposition to his own judgment, and to a solemn promise to the latter. He nowhere intimated that his promise would induce him to violate his duty as Executor, but merely that it would be dishonorable for him to violate his promise in *opposition* to such duty. He concluded by giving the reasons why, in his judgment, the lot selected was the one best adapted to the purposes intended.

The evidence in proof of the exercise by Mr. Williams, of his own judgment, uninfluenced by his promise, is found in the following extracts:—

Mr. Williams says, on page 20 of his answer:—

"I do insist, as charged in the 30th paragraph, that I have selected the said site in the exercise of my *own* discretion, unbiased by any promise; and I deny that any promise, however it may be felt to be morally binding, did prevent or can prevent my exercising, or knowing that I have exercised, my judgment. I aver, that I am now able to say what line of conduct I would have followed if I had never made a promise, and that I would have selected the site at Broad and Christian Streets, if Dr. Rush had been silent as to his wishes."