

"convinced, according to the best judgment I am able to form, that this lot possesses advantages which are attainable in no other *with* which I am acquainted.

"Q. Is not this judgment influenced by your promise?

"(Objected to as leading.)

"A. Not that I am conscious of at all. I believe that if I had made no promise and had not known the wishes of Dr. Rush, my judgment would have been the same.

"Q. Had your judgment been different, would you not have felt obliged under your promise, which in the Bill is alleged to have been spoken of by you as 'binding as an oath,' to have chosen the Broad and Christian Streets site notwithstanding?

"(Objected to as leading.)

"A. No, sir. If my promise to Dr. Rush and my oath as Executor had been at all in conflict, I would have resigned my Executorship at once and left some other person to put up the building."

On page 53 of the Examiner's Report, Mr. Whitman, the Secretary of the Library Company, testifies, under cross-examination:—

"Q. Have you heard at any of the meetings either of stockholders or Directors, expressions of opinion by Mr. Williams as to the propriety of the site at Broad and Christian Streets for the erection of a library building?

"A. I have.

"Q. State what those expressions were, or their substance.

"A. They were to the effect, that the lot was a large and eligible one, that he thought it would be as easy for the stockholders, or for a large majority of them, who would have to ride, as he thought, when they visited the Library, to go to Broad and Christian as it would to go to Broad and Walnut, or to any place that had been suggested as a central and convenient location for the Library. I remember his speaking of the several railroads, the Union, and the 13th and 15th, by which stockholders could reach the Library from any part of the city. He also said that this Library was to be built for all time, and that it might be in future as central as any location talked of. He gave various other reasons of that nature.

"Q. Did you ever hear him express the slightest doubt as to the propriety of the site?

"A. I don't recollect that I have.

"Q. Were not such expressions of opinion made at or about the time he spoke of his promise to Dr. Rush?

"A. I don't recollect whether the remark concerning the

