

"ease of reaching it by railroad, and the probable future centrality of the location, were made at the same time when he spoke of the other. I heard them at several times.

"Q. Between what periods of time were any statements made by him on either of these points?

"A. Between the annunciation to the Library of the gift by the will, and the last meeting of the stockholders."

On pages 59, 60, and 63 of the Examiner's Report, we find this testimony by Mr. Fraley, one of the stockholders, and a witness for complainants:—

"My proposition was agreed to, and a Committee consisting of Judge King, Mr. Longstreth, and myself, was appointed. The Committee met, organized, and requested me to confer with Mr. Williams. I made an appointment with him for such a conference, met him, and went pretty fully over all the matters connected with the bequest, expressed to him strongly the belief I had that unless the site were changed the shareholders would not agree to accept the legacy, and then directed his attention to several other sites that I supposed would be more favorable for the Library, and stated that if any one of them were selected, all opposition would be quieted. Mr. Williams replied that those lots had all been examined, that the prices at which they were held were so high as to prevent the acceptance of any of them by Dr. Rush, and that the Broad and Christian Street lot had been selected because, both in the judgment of Dr. Rush and of himself, it combined all the advantages that he wished to secure. I then proposed to Mr. Williams that he should reconsider the matter, and that I felt sure if he would adopt a different site, the cost of which should be more than the price of the Broad and Christian Street lot, that then, from my intercourse with the shareholders, I believed they would make up the difference in the price of the lots, or any loss that might be sustained by the sale of the Broad and Christian Street property. Mr. Williams, however, firmly declined to entertain any such proposition. He repeated to me in still stronger terms than he had used at the meeting, how fully he felt bound by his promise to Dr. Rush, and that, as in his own judgment the Broad and Christian Street lot was the best site in all respects for the Library, he should place it there, unless he were prevented by the order of some court of competent jurisdiction."