

I.

As to the nature and design of the power.

The original power prescribed no restriction upon the selection. The executor was ordered to select, but his choice was not confined to such a lot as "he deemed expedient." If Dr. Rush had spoken of a particular lot as one most suitable for the Library, Mr. Williams would have been entitled to select it; for, within the territory designated, any one might have been chosen possessing the requisite size.

The supplemental power was given, not to *restrict*, but to *enlarge*, that originally given. In the will, dimensions were mentioned and the area of selection was limited; but, in the interval, Dr. Rush had found that the plan he contemplated would require a larger lot than he had supposed. He had also seen more and more destruction through overgrowth, and he had become exceedingly anxious lest a lot should be chosen, so small, that in the future it might be found necessary to tear down the building which would have been erected at so great outlay. To guard against this, and for this reason only, he *withdrew* the restriction as to locality, having doubtless found that a lot sufficiently large, within the original limits, could not be obtained for a reasonable price.

Prior to this *he* had not deemed it expedient to select a lot outside these bounds, but now, under a broad and thoughtful foresight as to the danger of tearing down and re-sale, which he apprehended, he authorized his Executor to increase the size of the lot, and to select any situation. The words "he may deem most expedient," were used to

