

5. If Mr. Williams' judgment was warped by his promise, yet if he did, immediately upon the vesting of the power, do everything possible to shake off its influence, and did honestly exercise his own judgment to the best of his ability, no beneficiary has a right to ask more, nor to demand his removal because of his judgment being thus warped by what occurred prior to his appointment.

6. Mr. Williams did everything he possibly could to enable him to exercise his judgment, endeavored to exercise it to the best of his ability, and believes that he has chosen the most expedient site.

7. No *mala-fides* has been proven in the present case, such as will justify the interference of a court of equity.

8. Though Mr. Williams' judgment be warped as to this particular site, equity can do no more than enjoin him against its selection, and, subject to such injunction, must leave him to exercise his power.

9. The necessity or right of interference in the present case is too doubtful, and the violation of the testator's will, by granting the relief prayed for, will be too certain, to justify the maintenance of the present decree, especially in view of the well-considered opinion of the testator in favor of the site selected.

JOHN G. JOHNSON,
GEORGE JUNKIN,
GEORGE W. WOODWARD,
For Appellant.

