Mr. Williams testifies (page 207, Examiner's Report) that about the second day after the interview with Messrs. Wharton and Biddle, when he was seated by Dr. Rush's bed side, the Dr. turned and said, "Harry, now you will promise me to put the building on that lot." I said, "Certainly, Doctor, if you desire it, I will promise you that I will put it there, and nowhere else." The doctor merely expressed his satisfaction.

At a meeting of the Directors of the Library Company, held June 3, 1869, (pages 112 and 193, Examiner's Report), Mr. Williams, an executor, laid on the table a certified copy of the will of the late Dr. James Rush, and requested that the Board would take immediate steps to ascertain the decision of the Library Company upon the question of accepting the devises and bequests contained in Dr. Rush's will, on the conditions therein expressed. To consider this question a special meeting of the Library Company (that is of the stockholders) was called for the 29th day of June, 1869, at 12 M., and Messrs. Hare, McCall, and Wharton were appointed a committee to examine the will of Dr. Rush, and report upon the legal and other points involved in accepting the trust therein created, and to report at an adjourned meeting of the Board to be held on Thursday the 10th June, 1869.

The meeting of the Directors on the 10th June, 1869, and subsequent adjourned meetings, the proceedings at which are reported on pages 113, 119, and 193 *b* of the Examiner's Report developed a great difference of opinion between the executor and some of the Directors as to the expediency of accepting the devise clogged with the conditions and regulations which the testator had enjoined.

These differences of opinion manifested themselves also at the stockholder's meetings, (Ex. Rep., p. 119, 120, 121.)

On the one side it was maintained that the munificence of the gift ought to quiet all cavils as to the singularity of some of the provisions of the will, if singularity there was, which this side did not admit, and that the site should be accepted without hesitation. The majority of the Directors, and a large