

body of the shareholders were of a different opinion, and wanted time to consider and weigh the pros and cons, and to afford an opportunity of advising with Mr. Williams about the site for the building. Unfortunately, at the outset a misunderstanding as to Mr. Williams' wishes with regard to the action of the Board as to the disposal of certain articles of personal property not mentioned in the will, but verbally to Mr. Williams, caused an estrangement and a sense of ill-treatment on the part of the executor.

How he regarded what took place appears from the closing paragraphs of his letter of December 30th, 1870, addressed to Dr. Charles Willing, (printed at large as Exhibit B, on page 29 of the Answer, and on page 44 of this report), and by his testimony, page 210, Examiner's Report, and his letter to Mr. Whitman, page 157, Examiner's Report. The impression made upon the Directors is testified to by Mr. Wharton, page 25, Mr. Cramond, page 58, Judge Hare, page 66, Dr. Norris, page 68, Mr. Lewis, page 69, Mr. McCall, page 90, Mr. Whitman, page 48, Dr. Willing, page 54, Mr. Biddle page 221, and the minutes of the meeting of the Directors, January 5th, 1871, Ex. Rep., page 156, Exhibit No. 18 *e*. The letter of Mr. Whitman, Sec., to Mr. Williams, Exhibit No. 38, page 156, Ex. Rep., and Mr. Williams' answer, page 157 of Ex. Report. There was evidently a misunderstanding.

The master is of opinion that this controversy, though to be regretted, has really no bearing on the questions raised by the pleadings.

At a meeting of the Directors of the Library Company, held December 10th, 1870, the following proceedings are recorded.

EXHIBIT No. 17. Page 151 Examiner's Report.

[At a meeting of the directors, Dec. 10th, 1870,]

The Committee on the Rush Legacy, appointed June 3d, 1869, reported that in accordance with the resolution of the Board, June 9th, 1870, the counsel of the Company had pre-

