

ciation of the confidence he had reposed in them, and of their cordial willingness to carry out, in the most beneficial way, his philanthropic intentions, to be communicated to his executor.

Now, I do not think it desirable for me to retain a seat at the Board as the representative of those shareholders, and I must, therefore, repeat my request that my resignation may be accepted.

I beg you to convey to the Board my best wishes for the prosperity of the library, and for the welfare and happiness of every individual member.

Very truly yours,

HENRY J. WILLIAMS.

WM. E. WHITMAN, Esq.,

*Secretary.*

January 11, 1870.

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A great deal of testimony was given before the Examiner, and much was said in argument before the Master, on the question whether Mr. Williams was or was not present when a certain report made by Messrs. Hare, McCall and Wharton was read to the Board, June 10, 1869. The report is Exhibit No. 43, and is printed on page 193*b*—Examiner's Report. The Master is of opinion, from the evidence, that Mr. Williams was present at the meeting in question, but did not hear the report read, probably had gone before reading. As a matter of fact it has little, if any, bearing on the questions in issue.

The letter of Mr. Williams to Dr. Willing of Dec. 30th, 1870, in which he expresses the determination to build on the lot at Broad and Christian Streets, and "nowhere else," according to his "promise" given to Dr. Rush "as fully and solemnly as language could express it," seems to have determined the complainants to file the bill in this case.

The theory of the bill is, that the plaintiffs have an interest in the nature of property in the discretion to be exercised by