

My judgment being at variance with that of others, I would lay myself open to charges which might be made in another bill, if I abandoned that which I have deliberately formed and announced. I may be wrong, and they may be right, and the testator might well have chosen many very much better fitted than myself to do the work imposed upon his executor, but *he* did not think so. We had been friends and connections from early manhood through lives so long protracted that almost all those whom he had known and trusted had gone. For twenty-five years I had been the trustee of himself and his wife. For upwards of half a century I had been his counsellor and adviser, and for these reasons he preferred me. Because I knew his *legally expressed* wishes, and intended, to the utmost of my ability, faithfully to execute them, I accepted the trusts he confided to me.

When I first met the managers of the Library Company, after Dr. Rush's death, I expressed to them my willingness to co-operate and consult with them in reference to any matters relating to his will. I also mentioned to them that Dr. Rush, a few days before his death, had made gifts of objects of art and convenience to several of his personal friends, which he caused me to write down in the presence of a witness. He did not add them to his will, because it was difficult for him to write his name lying on his bed; and because I assured him that I would assume any pecuniary responsibility that might be incurred, if the Library Company (although they had no legal power to consent) would only intimate their acquiescence, which I was confident they would do. (See letter to Dr. Willing, Exhibit B.) To neither of these suggestions did I receive any reply. The managers were entirely and studiously silent, and I was obliged, by the advice of my counsel, to forego the gratification of carrying out the last wishes of my dying friend.

Although the complainants do not deny that I have desired and intended to carry out the wishes of the testator, yet I have been met with dictation and resistance, direct and indirect, and a constant struggle to obtain the control of his estate; and he has been rewarded, certainly not with thanks, for on

