

deemed expedient, shall be retained in the present or some other central position for general use and circulation," were part of the 298 votes cast in favor of the acceptance of the gift. I cannot understand the arithmetic—addition or subtraction, whichever it be—by which it is sought to make it appear, "that out of 591 votes cast, 549 were, in effect, cast against the removal of the collection of the library to that site," in view of the alleged fact that a majority voted for acceptance notwithstanding the site was well known.

9. As to the 22d paragraph, I deny that the complainants are "deeply impressed with the great advantages that might be derived from a proper use of the discretion given by the testator to his executor," or with any desire to avoid an "apparent violation of the cardinal intent of the testator," which was that I should erect "a proper building for the preservation and use of their library" in such a location as I deemed expedient. I deny, also, that they are "deeply impressed with the waste of money consequent on the erection of buildings so remote from each other for one common object," and, "as evidence," in support of this last denial, I aver that, since the meeting of October 5th, 1869, although a resolution looking to such an erection, because of the site selected, was then voted down, and one was adopted accepting the building, they have, without any reason for so doing, so far as I know, having been subsequently developed, contrary, as I am advised, to the spirit and meaning of the bequest in their favor, expended upwards of \$67,000 in the purchase of a lot 110 feet in front, at the northwest corner of Locust and Juniper Streets, with the intention, as I am informed and believe, of erecting a library building thereon.

If two buildings are to be erected, and two distinct establishments are to be maintained, the waste will be the voluntary act of the company, and not of the executor, and in direct opposition to the conditions of the will.

10. I admit the passage of a preamble and resolutions by the complainants, such as is charged in the 23d paragraph.

11. I deny that I have ever disqualified or disabled myself from exercising a discretion as to the site of the library build-

