

mony, but the opinion of the witness, an impression, and not a statement of what was said by himself and Mr. Williams upon the subject of the Library, and he objects to the continuance of the witness in this manner.)

Mr. Williams then asked me if under these circumstances I did not think that the Library Company ought to accept this lot and put their building there. He said Dr. Rush had desired to get the opinion of the Directors on this point. As it was not then possible to do so, he had asked him to consult Mr. Biddle and myself, who were the other members of the Committee on the purchase of the lot. I told him I did not think the Committee had power to bind the board in the matter, but that I personally thought the Directors ought to advise the stockholders to accept this gift, rather than that such a munificent gift should be lost to the city of Philadelphia. This is, as near as I can recollect, what passed.

Q. When you said that, was it with the idea that the endowment you spoke of was for the purchase of books?

(Mr. Junkin objects both to the form and substance of this question.)

A. That was the impression made upon my mind by what Mr. Williams said. None of the conditions that were subsequently found in the codicils were mentioned to me at the time. The conversation was a short one, and I believe both of us were standing up. Mr. Williams asked me if he might mention this to Dr. Rush. I said certainly. I thought that Mr. Williams, in speaking of Dr. Rush's proposed endowment of the Library, referred to something to be done by a codicil to his will. I am the more clear about this because I remember that at that time Dr. Rush was in his last illness, and that I thought that if he had such an intention, he probably could not live long enough to carry it into effect under our statute of 1855, by which bequests made within a calendar month of the testator's death for charitable purposes are void.

Q. What were the next interviews you had with Mr. Williams?