

doubts which had arisen as to the construction of Dr. Rush's will.

A. The first meeting of the Directors after Dr. Rush's death was that at which Mr. Williams produced the will of Dr. Rush. It had, I think, been printed in the newspapers, and many of its provisions were of difficult construction. The matter was referred to a committee, consisting of Judge Hare, Mr. McCall and myself, by the Board of Directors. We gave the matter the most attentive consideration, but had so much difficulty in arriving at a satisfactory conclusion that we advised the reference of the matter to counsel for an opinion, which was done. That opinion is on the minutes. It was to the effect that we were not called upon to elect at that time, and they advised us against such election. The opinion is copied in the minutes of January 4th, 1871. Sometime after this, I spoke to Mr. Biddle on the subject, and asked him whether he would see Mr. Williams as to whether the questions involved could not be settled by an amicable suit to be instituted against him so that the Directors could act intelligently. Mr. Biddle reported that Mr. Williams declined to take any step in the matter.

(Mr. Rawle calls for the production of the opinion of counsel to Mr. Williams, referred to on page six of the Answer.)

A. I never heard of any such opinion as that stated in the Answer on page 6.

(Mr. Rawle calls for the opinion given by Judge Strong on the 9th of June, 1869.)

Q. Please state what resolution it was proposed should be voted for at the meeting of the stockholders on the 29th of June.

A. A resolution in these words:—

“That the Directors be and are hereby authorized to accept the bequest and endowment contained in the will of the late Dr. Rush, if and when they shall deem it advisable, and to secure any legislation necessary for the purpose.”

Q. What arrangement was made by the Directors as to