

the vote upon such resolution, and upon such proxies as were under their control?

A. I think that the Librarian was directed to vote them in favor of the resolution just stated. I am certain that it was so.

Q. Was that resolution voted for at the meeting on the 29th of June?

A. I was not present, but from the minutes it appears that other resolutions were adopted.

(Mr. Johnson objects to any statements as to what took place in a meeting at which the witness was not present.)

Q. Please state how you voted at the meeting of the stockholders on the 19th of October, 1869, as to any proxies which were under your control.

A. I voted in favor of all the resolutions.

Q. Were there no other resolutions voted for but these?

A. There were no other resolutions voted for. There was but one voting ticket.

Q. What was the effect of that vote?

A. The result was a vote of acceptance, by a majority apparently of five. So the tellers reported the next day. But there was a very strong dissent as to the correctness of that report, from the fact that several of the votes alleged to have been cast in favor of the first resolution had been, it was stated, improperly cast. Some of the members spoke of contesting the matter, either upon the report of the tellers, or, if necessary, in Court.

Q. Please state what action was taken as to the passage of the Act of Assembly of 23d February, 1870.

A. At the adjourned meeting of stockholders, the next day after the voting, the tellers presented their report, which was never formally acted upon, though its result was announced by the Chairman. A resolution was adopted, which I recollect was a sort of compromise:—

"Resolved, That the further consideration of the bequest of Dr. Rush be postponed, and a Committee of five members and Directors be appointed to take it into consideration and

