

report to the members such action as they deem to be necessary."

The members composing that Committee represented the opposing parties among the stockholders. I was a member of that Committee. We had several meetings, and the result was that an Act of Assembly was prepared to enable the Library Company to accept the provisions of Dr. Rush's will, which, of course, they could not do of themselves, as it required an alteration of the charter, which could not be done without the authority of the Legislature and Court. The act was submitted, however, before it was finally reported to the members, to Judge Strong and Mr. Judson, who were then acting as counsel for Mr. Williams, for their consideration. It was returned with a letter to Mr. McMurtrie signed by Judge Strong and Mr. Judson. The chief reason for submitting this proposed act to the counsel of Mr. Williams, was that by the terms of Dr. Rush's will certain provisions were directed to be inserted in the charter of the Company, some peremptorily, others at the discretion of his executor. The Committee desired to know whether any other conditions were to be inserted in the Act of Assembly than those which the act contained, which, it was believed, were all that were imperative. There was never any expression of dissent made to the Committee or the Board as to the terms of that Act of Assembly, until the filing of the Answer in the cause.

(The letter referred to, dated January 4, 1870, from Wm. F. Judson, Esq., and Judge Strong to Mr. McMurtrie, offered in evidence.)

Q. Referring to the foot of page eleven of the answer of Mr. Williams, in which he says:—

"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."

Please state your knowledge and recollection on that subject.