

Streets; please state the purposes for which that lot was so bought.

A. The lot was bought principally as a temporary investment of the Building Fund, at least until the status of the Library Company with regard to the bequest of Dr. Rush should be determined. It was thought by all the Directors an eligible situation for the Library, in case it should fail ultimately to accept or be entitled to that bequest; or, if accepting, and becoming entitled to the benefit of that bequest, and being also authorized under that bequest to retain the whole or part of their own collection of books, in a different location from the principal one, it was also an eligible location for that purpose. Lots of that dimension were becoming very scarce in that vicinity, and it was feared that this one might be lost by delay. In point of fact, Mr. Rice had sold it to the Academy of Fine Arts, but they not coming up to the time agreed, we took it off his hands. There never was any immediate intention of building on the lot, nor is there now.

(Mr. Junkin objects to the question and answer, because the purpose can only properly be shown by the recorded action of the corporation plaintiff, and not by the individual opinion of a stockholder or director, and because the latter part of the answer is irresponsive to the question, and volunteered.)

*Cross-examined.*

Q. Mr. Wharton, will you state the words, or the substance of the words (without inference) uttered by Mr. Williams and yourself at the interview at which he announced Dr. Rush's testamentary dispositions in favor of the Library Company, and, if possible, chronologically?

A. After this lapse of time, it is impossible for me to recollect the exact words used. I have given the substance as nearly as I could at the time in my direct examination, and will now repeat the same if desired.

Q. It is so desired.