

siderable surplus. Mr. Henry Wharton then remarked, and it struck me forcibly, because it had not occurred to me before, that if there was a surplus it would belong to the heirs. I expressed my dissent to that opinion, and in my letter to Dr. Norris, dated June 22, I specifically referred to this point, but not at all in connection with my promise.

Q. On page 36, of complainants' testimony, in answer to the following question, "Did Mr. Williams ever say to you that as a member of the Committee for purchase, he desired that lot on Juniper Street to be bought," Mr. Wharton answered "I cannot say that he did so in so many words. I believed at the time, from what was said by Mr. Williams, that he had agreed the purchase should be made." State whether or not you ever said anything that gave ground for belief, by Mr. Wharton or any body else, that you had agreed the purchase should be made, and if so, what?

(Objected to as leading.)

A. I do not think I ever said anything from which that inference could be drawn, for I was always personally opposed to that lot, and could not therefore have expressed an opinion favorable to it.

Q. Apart from anything connected with your knowledge of Dr. Rush's will, were there any reasons why you were opposed to the selection of that lot as a site for a library building?

(Objected to.)

A. At the time I acted with that Committee, I did not believe Dr. Rush would live a month. His will required a lot 150 feet square, to be increased at my discretion. I would not, therefore, have assented to the purchase of any lot of less than that size. This lot was mentioned to Dr. Rush as a proposed site for the Library, and he concurred with me in disapproving of it. It has but 110 feet front on Locust Street, running, I think, 240 feet deep, separated from the rear ends of the Broad Street lots by an alley eight feet wide, and of course the windows of the Library

