

would look directly upon the nuisances which abound upon the ends of all city lots; that alone to me would have been a capital objection.

(Complainants' counsel, under the impression that the proper time to object to testimony is when it is proposed to be read as testimony, and there can be a ruling on it, do, however, to avoid being concluded, if the opinion be erroneous upon the rule of practice, desire the Examiner to note that they object to such testimony as has been or may be given that is not strictly in accordance with the rules of testimony, as being hearsay, conversations with other persons, and the like.)

Q. Had you observed whether or not there were such nuisances at the ends of the lot to which you referred?

A. My recollection is that I had; I walked around the lot and went up that alley, I think with Mr. Wharton.

Q. On page 23 of complainants' testimony, after having given his version of what occurred at the interview in which you communicated Dr. Rush's testamentary intentions, and the fact of the selection of the Broad and Christian Street lot, Mr. Wharton testifies as follows: "After that there were two or three interviews, but I don't remember anything of them, except my recollection of another statement by him after this conversation, that he had applied since the purchase of this lot, to Mr. Thomson, President of the Pennsylvania Railroad Company, with reference to the purchase of their dépôt on Market Street, below Broad, but he had given up the idea on account of the price of the lot, which I think he said was \$250,000. I am very certain that this was after Mr. Williams' statement of the former purchase, and either just before Dr. Rush's death, or it may have been very shortly after. It left upon my mind the impression that the purchase of the lot on Broad and Christian Streets was not then a final one." Please state the date at which you called on Mr. Wharton to communicate Dr. Rush's intention, the date of Dr. Rush's death, and then say whether or not there were any interviews between