

The note to Mr. Pratt and the plan referred to in that note are here offered by defendants in evidence.

That fixes the date of the termination of my communications with Mr. Pratt, and it was about that time or before it that I mentioned this lot to Mr. Wharton.

Q. Did you or did you not, subsequent to the agreement to purchase the lot at Broad and Christian, prior to Dr. Rush's death (or shortly thereafter), apply to any body, directly or indirectly, with a view to purchasing any other lot?

A. No.

Q. Please state what you said at any interview with Mr. Wharton during the period referred to, which was calculated to leave upon his mind "the impression that the purchase of the lot on Broad and Christian Streets was not a final one?"

A. I never said anything to him on the subject, never alluded to the purchase of another lot. I had bought the lot, paid part of the consideration money for it, had the approbation of Dr. Rush, supposed I had the approbation of the Library Company, and considered the matter, as regards the lot, finally and entirely settled.

Q. Did you or did you not tell him during that period, that you had applied since the purchase of this lot to Mr. Thomson, with reference to the purchase of their depot on Market Street below Broad, but had given up the idea on account of the price of the lot?

A. I never said anything of the kind, and could not have said so with truth.

Q. Between the 3d and 26th of May, what were your opportunities of observing Dr. Rush's physical and mental condition?

A. In the winter of 1869, I resided in the country, and came to town once a week, on Monday. Some time about the middle of April, 1869, I was informed that an attendant of Dr. Rush's had been sent down to tell me to come up to see him. I was accustomed to visit him once a fort-

