

because all the wearing apparel and all the jewelry had been given to me by a special clause in Dr. Rush's will, and I could not, therefore, have asked the Company's assent to such matters.

Q. Please state what was said, as you remember it, at that meeting, with regard to any articles as to which Dr. Rush had expressed a desire of disposition, but not in a form legally binding.

A. I stated to the Directors that Dr. Rush within a short time before his death had made various dispositions of furniture and objects of art, and had asked me to make a memorandum of them. I made such memorandum in pencil, which I afterwards reduced to ink and read over to him in the presence of a witness; that these articles amounted in value to about \$2000; that several of them were given to me, but that I declined to take any of them, and if I took them, I should purchase them at the appraised value: I spoke for others and not for myself. I then said that these gifts were not in legal form, but that I had assured the Doctor the Library Company would make no difficulty upon that score, and that if the Board would give me their assent I would assume all the pecuniary responsibility and carry out the Doctor's wishes. There was not the slightest response made to this suggestion. No questions were asked with regard to the paper, or to the articles, and no reference was made to this suggestion of mine at that meeting or at the next, the only two I attended.

Q. It is testified to by Judge Hare, on page 66 of the complainant's testimony, "I did not understand this to be a request requiring an answer from the Directors, but a suggestion looking to a request at a future day when the Directors should be in a position to give an answer." It is said by Mr. McCall, on page 90, "I remember also that Mr. Williams did state that Dr. Rush had verbally directed certain articles to be given to his friends as remembrances, and that if the Library Company accepted it would be for them to say whether they gave their assent to these gifts."