

In the letter written by the Secretary of the Board on the 12th of January, 1871, in reply to yours of December 30, 1870, "the impression on the minds of the Directors was, that you did intend to follow out the wishes of Dr. Rush in relation to those articles, and that your allusion to the subject was a notice that you would do so." After having had your memory on the subject thus refreshed, can you say whether or not your allusion to the subject referred to was, as the Secretary writes, "a notice that you would do so?"

A. All that I said upon the occasion referred to, was exactly what I have stated, that if the Board would give me their assent I would assume the pecuniary responsibility and carry out Dr. Rush's wishes. That was all I said at that meeting on the subject, and it was never afterwards referred to either by the Board or by individuals. I understood this to be a distinct request and an immediate one, but what I have testified to is all that I said.

Q. Did you afterwards act in accordance with Dr. Rush's desires as though an assent by the Board had been given to your request as you understood it to have been made?

(Objected to, unless in the presence of the complainant.)

A. I stated all the circumstances to Judge Strong and Mr. Judson, and asked them if I could not be permitted to carry out Dr. Rush's wishes. They advised me strongly against it, and I wrote to some of the beneficiaries, and mentioned it to others, that I could not comply with those wishes, because I had not received the assent of the Library Company; but I told them that I had the right, without consulting anybody, to dispose of those articles at their appraised value, and if any of them chose to take them on those terms they were at their service. Some of them took them on those terms; others declined.

Q. Where you have carried out these wishes by delivering the articles to the legatees, without their being compelled to pay anything for them, has their appraised value

