

of the Directors, or to the Board, I am not certain which, my reason for doing so, which was not to miss the train to Chestnut Hill.

Q. Mr. Wharton says, in page 28 of the Testimony, "there was never any expression of dissent made to the Committee or the Board, as to the terms of the Act of Assembly, until the filing of the Answer in the cause." Were there any letters written by you to the Company on the subject?

A. Yes, there were two letters written by me, one to Mr. Lloyd Smith on the 12th May, 1870, and one to Mr. Whitman, dated 21st December, 1870, in which I expressed the opinion that I did not think it either necessary or proper to express any opinion in relation to the course pursued by the Company, to which I had been always designedly a stranger.

Q. Have you at any time, while riding in a passenger railway car from Locust to Christian Street, noticed the time it took to go from one of those points to the other?

A. I went in the cars to the corner of Thirteenth and Locust, and thence to Thirteenth and Christian, with my watch in my hand, and it took me precisely five minutes.

Q. You have said in page 11 of your Answer that you "have been met with dictation and resistance, direct and indirect, and a constant struggle to obtain the control of Dr. Rush's estate." State what dictation and resistance you have met with.

A. From the outset, there has been a constant and persistent struggle on the part of the Company to compel me to act, in reference to the site of the Library, in diametrical opposition to my own judgment, to the expressed wishes of the testator, and to the promise which I had made him. I have been asked to set aside for the uses of the Library Company by Mr. Fraley, Chairman of a Committee of stockholders and directors, the sum of \$300,000, and by the Bill the sum of \$200,000; and if I had complied

