

3. If compelled to purchase a lot elsewhere, I will not be able to erect the building ordered by the testator.

4. I know of no suitable lot on any other street which can be had at the same cost.

5. It is but little distant from the centre of the city, and is within easy reach, by car, of all portions of it.

6. It will not be necessary to have the Library building torn down in twenty years, and the lot sold because of its limited dimensions (Codicil, p. 25).

7. Its size insures, for all time, light, air, retirement, quiet, and safety from external dangers.

8. It already belongs to the estate.

9. It is exactly suited for the kind of library Dr. Rush proposed to endow—not a reading-room, nor one containing the light and ephemeral literature of the day, but one for readers and students of a higher grade.

I will add that I never have had suggested to me by any one, nor have I ever been able to see, myself, any lot which compares, in my judgment, to the Broad and Christian Street lot, up to the present moment.

Q. Mr. Wharton has said in page 41 of the testimony, "I remember being struck with Mr. Williams' expression at the time, that under the circumstances, he thought it was the best site." Was your judgment as to the site influenced by the circumstances of your promise?

A. I formed my judgment entirely independent of my promise, and I have always stated it to be founded on the particular advantages of the lot itself, independently of my promise, and meant so to express myself in all my conversations with Mr. Wharton or at the Board.

*Cross-examined.*

Q. Was there not a difference as to the hours of meeting of the Directors of the Library Company in the summer and the winter months?

A. I believe there was. In the summer we met at, I think, four, and in the winter at, I think, seven.

