

Q. Was this Report the result of consultations between Judge Hare, Mr. Wharton, and yourself?

A. Yes, sir. We met at Judge Hare's office, I remember, and consulted together about it.

*Cross-examined.*

Q. Have you any recollection that that Report was read among the first things at the meeting, independently of the fact of the meeting being called to hear it?

A. I have not.

Q. Do you ever recollect a discussion in Mr. Williams's presence, at any meeting of the Board of Directors, as to the possibility of his being disqualified from acting in the matter of the location of the Library building, by reason of a promise to Dr. Rush?

A. I do not.

Q. Were not a great number of questions growing out of the will discussed at meetings of the Board of Directors, in his presence?

A. I think not, sir; because at the first meeting at which Mr. Williams was present, the time was very much taken up with his statements of the contents of the will, and the reference to a committee naturally made unnecessary discussions of questions arising under the will. Then at the second meeting I do not remember much discussion.

Q. Do you not remember a discussion in Mr. Williams's presence in which he took part, as to the possibility of a surplus over the amount expended in the erection of a building, going to Dr. Rush's heirs?

A. I cannot say that I do.

P. McCALL.

HENRY WHARTON recalled.

Q. Please look at paper marked Exhibit 43, and state what it is and all your recollection connected therewith.

A. This paper was a Report which was the result of the consultation of Mr. McCall, Judge Hare, and myself, who

