

there be any such debts I cannot tell, as her executors have filed no account. The inventory in the Register's Office exhibited about forty thousand dollars of personal estate; and as Mrs. Helmuth was a lady advanced in years, it is not likely that her actual indebtedness at her death was at all considerable. It is therefore possible that a purchaser, intending to hold and not to resell, would run no risk. At the same time even those who have small personal liabilities are sometimes induced to enter into suretyships or contingent undertakings for others, which greatly impair their estates, the amount of which may not be ascertained until after death. This was the case of the late Mr. White, nearly the whole of whose property went to pay a liability which occurred after his death, upon a bond given by a trustee in which he was surety. (See *White's Executors v. Commonwealth*, 3 Wright 16.)

For these reasons it is usually considered that such a title is one which could not be forced on an unwilling buyer, and, as a consequence, one, I am obliged to say, which a trustee would not be technically justified in taking either for a mortgage or as an investment. Of this you must judge yourself.

The searches will be ready to-day, or to-morrow at the farthest. Most of the clerks spent yesterday at the political conventions, which accounts for the delay.

Yours, very respectfully,
HENRY WHARTON.

HENRY J. WILLIAMS, Esq.

EXHIBIT No. 23.

OPINION OF JUDGE STRONG.

HENRY J. WILLIAMS, Esq.:—

DEAR SIR: I have examined the will of Dr. Rush at your request, and I am now prepared to answer the questions you propose.