

conditions prescribed. After reflection, I am of opinion that you are not required to expend the whole estate (except the annuity fund) on the building, whether such expenditure be necessary or not. It appears from the first clause of the second codicil that Dr. Rush contemplated a legitimate increase of the Library and payment of current expenses.

This is inconsistent with an expenditure of all the estate (except the annuity fund) in erecting the building. The annuities may not fall in for years, and if they do not, there will be no fund for current expenses, and none for the increase of the Library unless a portion of the estate remain unexpended beyond the annuity fund.

4. I have not before me the contract for the purchase of the lots on Christian and Carpenter Streets; but if the contract for the purchase was made by the direction of Dr. Rush, and was signed by the vendor, and a payment was made on account, it is binding upon you as Executor, and it is your duty to complete the purchase, and pay the consideration. I think such is your legal liability; but if not, certainly you are justified under the will in such a course, especially if you think it expedient.

5. The plan of Dr. Rush was to establish a branch of the Philadelphia Library, not to extinguish it, or to merge its existence in a new institution. It is not, I think, made a condition of the devise to the Company that they shall not retain their present building or procure some other for the convenience of the members and for the reception of such books as are intended to be excluded from the branch Library. Of course such other building cannot be placed upon the lot upon which the building for the *branch* shall be erected; nor can the funds derived from Dr. Rush's estate be appropriated for any other purposes than those specified in his will. They cannot be used for the purchase or erection of such other building, or for the purchase of such books, or for the current expenses of that part of the Library of the Company.

6. I have already said that the will confides to you a