

gest the idea that it belongs to the heirs, I will not lay a straw in the way to prevent them from recovering it.

But if Judge Strong is correct in his opinion (and I am satisfied that he is) the Library Company, who are strangers to this devise and bequest until they accept them, cannot until then have any right to ask a court to determine the disposition of a fund in which they have no interest, and the very existence of which is not yet ascertained and cannot be until the building is completed; and I certainly will not aid them in any such attempt.

If they take the gift I will be happy to consult with them. If they do not, I shall claim the right to proceed according to Dr. Rush's instructions and the discretion with which he has intrusted me.

Very truly and sincerely yours,

HENRY J. WILLIAMS.

June 22, 1869.

EXHIBIT, No. 9c.

[At a meeting of the Directors, June 24, 1869,]

The Committee on the Rush legacy reported that they had consulted Messrs. Meredith, Biddle, and McMurtrie as counsel on various questions arising under Dr. Rush's will, but had received a written opinion on one point only, as follows:—

"We are of opinion that the time for the Library Company to accept the devise under the will of Dr. James Rush has not arrived. Until the executor shall have completed a building and tendered a conveyance, the Company could do no more than agree to accept at a future time; and we think such an agreement should not be made until the real position of the affairs and the plan of the executor are better ascertained and the consequences can be considered.

"We think, therefore, that it is expedient to postpone (for the present at least) any action by the Company in re-

