

relation to those articles, and that your allusion to the subject was a notice that you would do so.

As you desire some formal action of the Board, I am directed to say that they are ready to give their consent in such manner as counsel may advise, and that they would have expressed this readiness sooner had they been advised of the facts.

I am, sir, very respectfully yours,
W. E. WHITMAN,
Secretary Library Co. of Philadelphia.

EXHIBIT No. 39.

Letter of Mr. Williams to Mr. Whitman.

MY DEAR SIR:—

You are under a misapprehension in saying in your note of the 12th inst. that I desired some formal action of the Board in relation to the fulfilment of the verbal directions of Dr. Rush, as to the remembrances to be given to his friends. I certainly did not ask for it in my letter of the 30th Dec. 1870, nor do I at all desire it at this late day. It would have been at the time of Dr. Rush's death most gladly received, and I supposed that upon simply stating, which I am sure I did very distinctly, that it only required the approval of the Board to enable me to comply with his wishes, that approval would have been cordially and instantly given. I know I waited for it long and anxiously, and was exceedingly surprised and disappointed at not obtaining it. I never imagined that the Board intended to leave me to bear not only the *pecuniary* but also the *moral* responsibility of disposing of his effects, of which they were to be ultimately the residuary legatees, when they perfectly well knew I had no legal right to do so. Their assent, without releasing from the former, which I was aware was not in

