

Oxford Church, Phil<sup>a</sup>, Dec. 10 '73

My Dear Mr Swarr

Yr [sic] favor of yesterday was recd [sic] this morning.

Unpleasant as it might be to be present on the occasion of the taking of depositions in refer<sup>e</sup> to connexion [sic] with the exceptions to Mr [sic] Swift's report, I should certainly be present (although not deeming my presence essential out for the state of my health. My health, as you know, is such that I find it necessary to avoid, as much as possible, all excitement. Hence, unless you shd [sic] think my presence indispensable, or very important, I think I will not go up. I will however send the agreements (including the one sent back without Mrs J' [sic] signature) & any other papers wh [sic] I may find, relating to the Biographical Fund. The agreemt [sic] returned from Baltimore, I think I have in my box in town, & will get it tomorrow.

I cannot imagine what Mr [sic] J wishes to depose to, that should have any effect in voiding the report. Even if it were true, that Mrs [sic] J, of (as is stated in the exceptions,) offered to ~~pay~~ contribute "double the sum that EYB & JBH might contribute to increase" the Fund for the biography, I cannot see that that should weigh any thg [sic] agst [sic] the conformation of the report in wh [sic] there is merely recognized the fact, wh [sic] could not have been overlooked or ignored, that there was an agreemt [sic] signed by certain legatees, that certain portions of their shares of the residue of the Estate might be retained by the Executors for the increase of the Fund referred to. But, the statement that she offered to contribute double the amount wh [sic] Mr [sic] Henry & I might contribute, is not true; for, as you will see by a copy of the proposition sent from her to me by Mr Baker, <sup>x over</sup> ~~what she did offer was &~~ wh [sic] I will send to you; what she did offer was, that she wd [sic] write with Mr H & myself, or either of ~~th~~ us, in "contributing equally the sum of \$5000 each"; so as, with the \$5000 mentioned in the will, to make up the Fund to \$20000. This amount, it should be remembered had never been spoken of as necessary to be reused except by Judge Black. The largest amount over spoken of by any one else was \$8000.



In regard to the \$5000 mentioned in the will, I do not see how & wh [sic] objects to & to the remaining of wh [sic] in our hands she objects; I should think that even there could now be no question raised in as much as to its with propriety remaining in our hands; inasmuch as not only was there an agreement signed by all the legatees, or their representatives, except herself, that it shd [sic] remain where it is, but the present disposition of it was mentioned in our 2d Account, to wh [sic] no exceptions were made & wh [sic] was duly confirmed.

Very Truly Yrs etc

Edw Y. Buchanan

<sup>x</sup> On examining agn [sic] the proposition here referred to, I find it was contained in a letter first addressed to you. I need not therefore send it, as you no doubt have the original.

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