

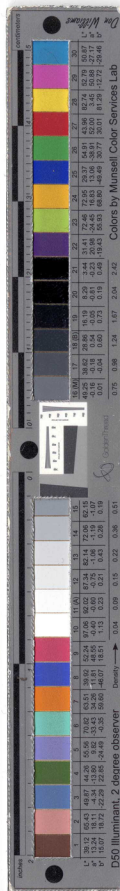
710. Walnut Street,
Philadelphia Jan 10 1881

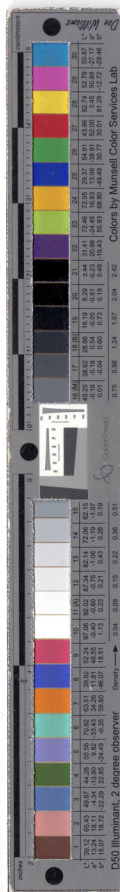
My dear Sir

When taken near
in Mr. Clark's office.
Whether of use or not. they
had better be ~~in~~ ⁱⁿ ~~the~~ ^{the} ~~file~~ ^{file}

Yours
Wm. H. Raper

See Maria Clark





12482.F.216

710, Walnut Street,
Philadelphia Nov 25th 1882

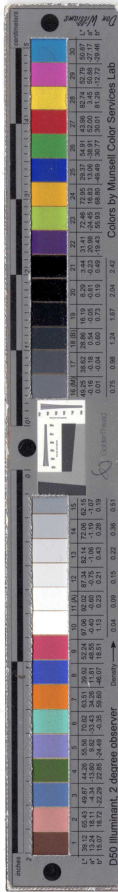
My dear Sir

As you are, I think, on
the Committee for Ridgway Branch, I
send you the enclosed. As of course
it appears to go bang up against
the tentative mind, it had better be
seen before presented to the Board
than it might be said that "those
damned lawyers can prevent anything".
It may be proper to add that having
read it, both Judge Stone & the Mc-Murtrie
are free with me.

Yrs faithfully

Wm H. Howe

Bellevue Mich



Mr. William H. Smith
Washington, D.C. 20540

Dear Sir,

I am writing to you about the
Commissioner of the General Land Office

and the various other matters

of which you have been so kind

to write me.

I am sure that you will find

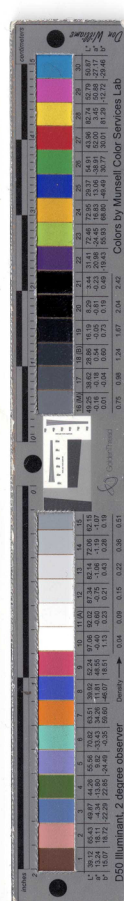
the enclosed papers of interest

to you.

I am, Sir, very respectfully,
Your obedient servant,

Wm. H. Smith

12482.F.216



710, WALNUT STREET,

PHILADELPHIA

Nov 21 1882

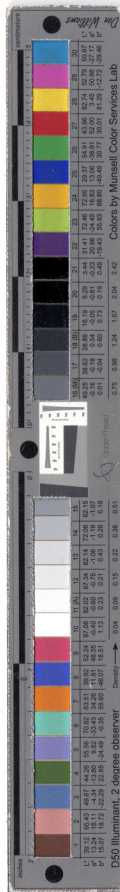
My dear Mary

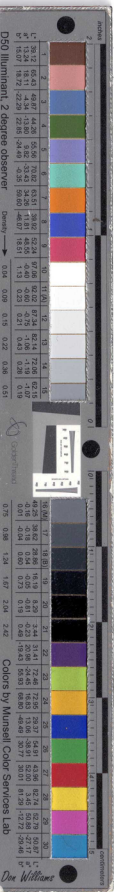
Would you mind
taking with you & looking over
the enclosed rather rough draft
of what my thought is, an answer
to the question asked - I also
enclosed what Mr. Murtree thinks
expressed in his characteristic
manner.

Yours faithfully

Mary Anne

An & Blank Mary





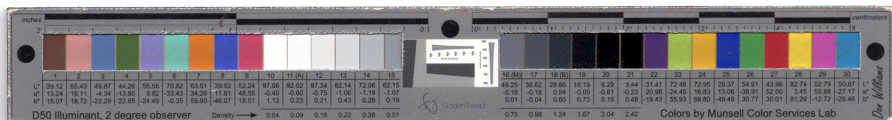
BRITANNIA 1874
700 WALNUT STREET

[Faint, illegible handwriting, likely bleed-through from the reverse side of the page.]

My dear Rawle
I am very
convinced in your

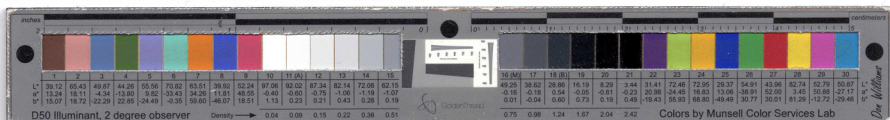
opinion. The object
of the clause seems
to me to be, to make
sure that the Lib
-y should be kept
open, and used to
provide that it
should be closed.
The testator's in
tent says

a perpetuity. If this were



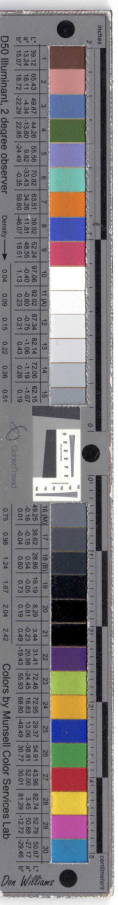
As soon as I visit that
the public shall
have access during
certain hours of
every working day
; excepting however
Sundays and other
holidays from the
obligations so im-
posed. Thus the
expectation from the
~~obligations~~ ^{expectations} of the
class and in
effect left them
pressing when
they would have
been

a forfeiture. If this were



My dear

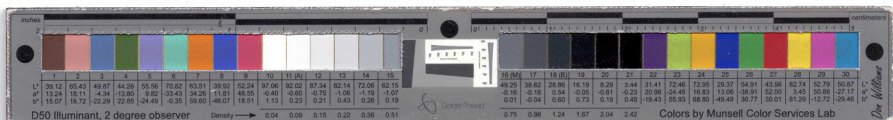
~~I am perfectly sure
that you have been
misled by their
conduct
yours truly
J. P. Clark & Co
C. P. No 2
No 23a~~



My dear Luke

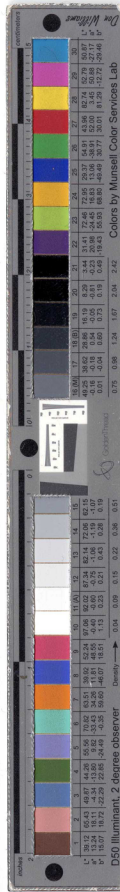
I have no doubt as to both
the points. As to the rule
apart from the will the
question is not mooted & it
is not believe me. When
taken there is a prosecu-
tion for violation of the
law.

As to the last point the
suggestion of forfeiture is
mere folly. The Corp is
a trustee for a charity.
Did any one ever hear that
the trustee gave trust sh^{rs}
back his estate by
reason of a breach of
trust of the trustee working
a forfeiture. If this were

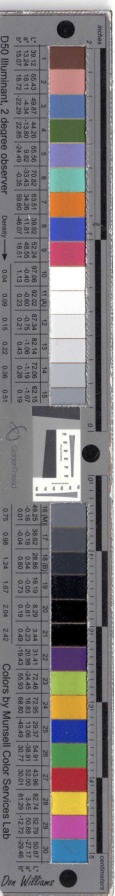


So. any act of misconduct
in dealing with the funds
must do the same. The
remedy is to compel obe-
dience.

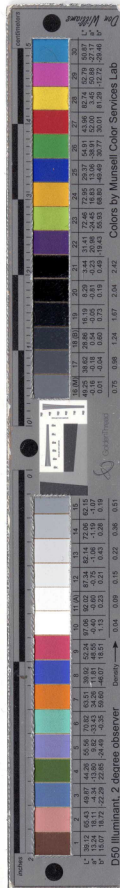
J. R. Linn.

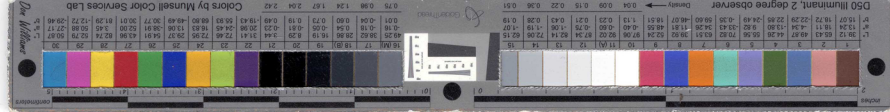


to my self
in the
which is
of course
the



a perfecting of the human nature
 and of the human mind
 have been the result of
 the various great men who
 led away from our world
 a brighter for a century
 been foretold the future
 of perfection
 as to the last part the
 term for perfection of the
 human nature as a perfection
 into the human nature of
 perfection as a perfection
 at least from the world
 as a perfection of the human
 nature





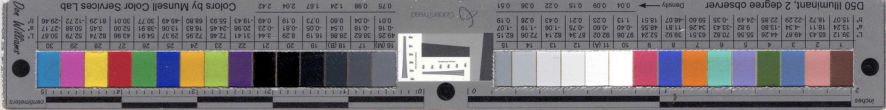
N.B. take notice we accept no Excuses from your Board. Cor. Broad & Christian St.

To the Board of Directors of the Ridgway & Rush Library.
Gentleman

All our working people of Philadelphia especially downtown being desirous of having facilities for improvement afforded that portion of our Citizens that are clerks-Salesmen-Mechanics & Laboring and Factory working people both Men & Women of our large City. We who are compelled by force of circumstances to toil daily from Monday morning at 7 o'clock until Saturday night 6 o'clock every day during week days for our daily wants & for our family wants our Wives & children to feed & clothe and many thousands of young men & sewing women & girls are very intelligent and desirous of obtaining useful & necessary information to our daily trade & avocations that you keep looked up from us poor Citizens & honest working people such vast amount of valuable knowledge or hidden treasures in nearly all of them public our wealth in Books in our Public Ridgway Library. We working people men & women WE would respectfully request & demand that [you rich men or the Board of Managers] for us working honest tax-payers our Public Library open its doors wide each & every Sunday afternoon from 1 to 5 o'clock during the winter months on the same plan & condition as our Saviour Mr. J. E. Temple opened the Academy of Fine Arts on Sunday afternoons from 1 to dark for the benefit of us poor people & Citizens. This is the will of the people downtown and all Religious subjects & topics be strictly forbidden.

Amynus letter
in regard to
Sunday School
Nov 1892

12402.F.216

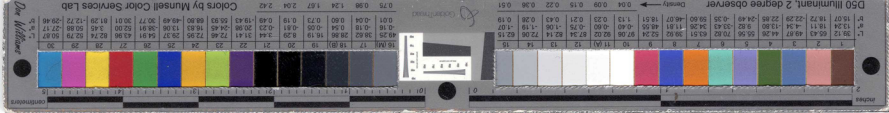


I have been asked, on behalf of the Ridgway Branch of the Philadelphia Library, whether it can, under the terms of the will of Doctor Rush, be kept open on Sunday or on any part of that day.

The only reference to this is found in Clause Second Section Third of the will, which, after defining two of the trusts under which the estate is to be held, goes on to say: "Third, In trust to pay all necessary salaries of the librarian and his assistants, and the expenses of binding and preserving the books of the whole library, making cheap catalogues and all charges incident to its care and management. The said library is ^{to be} kept open from nine o'clock A. M. until at or near sunset, except on Sundays and holidays."

At first sight this appears to be a direction that the library should then be closed, just as if the words had been: "The library is to be kept open x x x except on Sundays and holidays, when it is to be closed."

But I think the whole tenor of the will discloses a broader view of the testator. The "preliminary conditions" to the conveyance of the estate to the Library Co. were that the latter should not allow any lectures in the building, or the formation of any museum or collection, which, he said, were "objects foreign and inconsistent with the legitimate purposes of a public library, and it



I have been asked, on behalf of the Library of the
of the Philadelphia Academy, whether it is not the
terms of the will of Doctor Quaker, be kept open and
now and part of the day.
The very reference to this is found in the
doctor's bequest of the will, which, after defining two of the
books under which the estate is to be held, goes on to say:
"I want, but want to pay all necessary charges of the estate
and want the assistance of the officers of the Library
in preserving the books of the whole library, including the
catalogue, and all other charges necessary to the care and
management of the same, and to the Library of the
of the will, at or near the same, and to the Library
and the Library."
It must be that this appears to be a mistake, that
the Library should have been named, just as if the words
that have been said, the Library is to be kept open, and
the Library and the Library, and to be kept open.
But I think the words of the will are
to be taken in the sense of the Library of the
to the preservation of the estate to the Library, and
that the Library should not be named, and that the
Library or the preservation of any one thing or collection
which the said, were objects for the Library and the
with the Library, and the Library of the Library, and

is only for the preservation, extension, and free and convenient^{ing} of such a library x x x that it is desired to make provision."

Lectures and the like would naturally interfere with "the free and convenient use" of a public library; so would an undue exercise of the right to close the library at certain hours or on certain days. To prevent this - to make the use as "free and convenient" as possible - he provides that "The said library is to be kept open from nine o'clock A. M. until at or near sunset, except on Sundays or holidays," but he does not prohibit its being open at an earlier or a later hour, or on the days mentioned. He merely insists that it shall be open at least during those hours, and on every day except those when an option is given by law to close it. No one who grasps the true idea of how a free public library can best meet the wants of every class of the community, from the men and women of leisure to whom all hours are the same, to the mechanic whose only library hours must be early and late, and whose only library days are Sundays and holidays - no one who has seen the practical workings of such libraries in the great Manufacturing towns in England - no one who knew the testator can doubt that if the library co. should, in



is only for the present moment, and for
the convenience of such a library, it is
desired to make provision
for the future, and the library should naturally
grow with the free and convenient use of a public
library; so provided our readers are not
to close the library at certain hours or on certain
days. To prevent this - to make the use as free
and convenient as possible - the provision that "the
said library is to be kept open from nine o'clock
A.M. until at or near sunset, except on Sundays
or holidays" but the fact is not possible the being
open at one certain hour, or at one certain
moment. The merely words that it shall be
open at least during those hours, and on every day
except those when an option is given by law to close
it. No one who grasps the true idea of how a free
public library can best meet the wants of every
class of the community, from the poor and common
of learning to the most learned and the most
scientific, whose only library must be open
and late, and whose only library days are Sundays
and holidays - no one who has seen the practical
working of such libraries in the great libraries
and towns in England - no one who knows the value
for ourselves that if the library be closed, we

disregard of public convenience, refuse to open the building earlier or later than the hours named, or refuse to open it at all upon the days named, it would sacrifice the public good to the merest technicality - it would prefer shadow to substance.

I am, therefore, of opinion that the Ridgway Branch may, under the terms of Mr. Rush's will, be opened on Sundays.

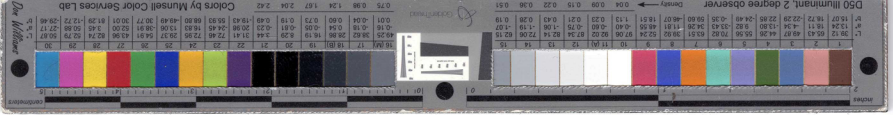
But if this should not be so, it remains to consider the consequences. It is familiar that any words to create a condition subsequent and direct an estate are to be strictly construed, and not only can no fair construction of these words be tortured into such a condition, but the testator himself provides, in his last codicil, for a violation of the regulations he prescribes. In its fifth section he authorizes a certain corporation here, or any citizen of Philadelphia, to apply to the proper courts "to compel the Library Company to comply with the provisions" of the will, or to remove them from the trusts &c. If, consequent upon greater facility for the use of the Library being given to the general public, any one should take such a course, and any court should be found to agree with his narrow construction of the will, (neither of which is likely) the result would be, not the loss of the estate, but a return to the



the report of the committee, and the
building of the new house, and the
or refuse to offer it at all. The
would sacrifice the public good to the
technicality, it is not proper to
I am therefore, of opinion that the
Grant may, under the terms of the Bill, be
opened on Sunday.
But if the Government had, at present, to con-
sider the consequences. It is familiar that any
to create a position independent and direct on which
are to be strictly controlled, and not only can no
from the Government of the House of Commons, but
such a condition, but the Government himself
in his last article, for a regulation of the regulation
the present. In its fifth section he authorizes a
certain corporation, and any other of the
that, to apply to the proper courts to compel the
to comply with the provisions of the
the Bill, and to ensure that the House of Commons
consequently, of the House of Commons, for the use of the
to have being given to the general public, and one
should take such a course, and any court should
be found to agree with his narrow construction of
the Bill (which is likely) the result would
be, not the law of the House, but a return to the

former practice of closing the library. I do not, therefore,
consider that the library company would run any risk
by the suggested opening.

Wm Henry Rawls
November 25th 1882.



It is the opinion of
the Ridgway Branch
on Sunday