

By *all persons* who desire to take out books, and for that privilege pay a small hire, and leave a deposit as security for the return of the books ; 3. By members or commuters, who pay an annual sum instead of a separate hire for each time of taking out a book.

The essential feature of a public use is that it is not confined to privileged individuals, but is open to the indefinite public. It is this *indefinite* or unrestricted quality that gives it its public character. The smallest street in the smallest village is a public highway of the Commonwealth, and none the less so because a vast majority of the citizens will certainly never derive any benefit from its use. It is enough that they may do so if they choose. So there is no charity conceivable which will not, in its practical operation, exclude a large part of mankind, and there are few which do not do so either in express terms or by the restrictive force of the description of the persons for whose benefit they are intended. Thus, Girard College excludes, by a single word, half the public, by requiring that only *male* children shall be received ; the great Pennsylvania Hospital closes its gates to all but *recent* injuries, yet no one questions that they are public charities in the widest and most exacting sense.

Tried by this standard, it would seem clear that the Philadelphia Library is public so far, at least, as regards the use of the books within the building ; that is, free to all alike without charge. Is its public character destroyed by any special privileges to members or other individuals ? We cannot see that it is. Some system of government, some regulations of administration, are necessary in all large bodies ; provided they be reasonable, and not repugnant to the general purpose, they are valid and do not affect the character of the institution. The general privilege of reading the books within the building, and under the supervision of the librarian, being conceded freely to all, the further privilege is sought of taking books away to be read at home,

