

It is believed that this principle is not contested, and if the benefit of the library were confined *exclusively* to the members, no question would arise. Is the nature of the institution changed by the fact that it sells to third persons the right to use the books outside the building? By reference to the rules of the library it will be seen that full consideration is given for this privilege. In the first place, the borrower, or rather *hirer*, must give his note for double the value of the book; he must also deposit double its value; then he must pay a rate varying from fifteen cents to twenty-five cents a week. No fractions of a week are regarded, but if a book is taken just before the rooms close at five o'clock, and returned immediately after the opening, at nine o'clock next morning, full rates for a week are charged. If one volume of a series is taken, he must deposit treble its value. What charity is there in this arrangement? Is it anything more or less than a commercial transaction? What distinction is there, except in degree, between the sale of the use of a book for a week, security being given for its return, and the absolute sale of the book? If there is none, is a bookstore a charitable institution?

If we are right in making the distinction which we endeavor to draw between other charitable bodies and those which are purely public, it is obvious that the complainant is of the former class and not of the latter. At all events, if we are right in our apprehension of the principal purpose and scope of the library, the question comes down to this, Is a circulating library, an "association for the mutual benefit" of the shareholders, with a commercial feature added to it, converted into an "institution of purely public charity" by the fact that by the rules of the library the librarian is required to permit "any civil gentleman to peruse the books of the library in the library room?" This use of the books is a very incidental one, and is not at all encouraged by the offi-

