

This Indenture, MADE this *Sixth* day

of *May* in the year of our Lord one thousand eight hundred and *seventy eight* BETWEEN HENRY J. WILLIAMS, of the city of Philadelphia, Esquire, Executor of the last will and testament of JAMES RUSH, deceased, of the first part, and THE LIBRARY COMPANY OF PHILADELPHIA, of the second part.

Whereas, JAMES RUSH, late of the said city, doctor of medicine, departed this life on or about the twenty-sixth day of May, A. D. 1869, seized and possessed of real and personal estate, having first made his last will and testament in writing and codicils thereto duly admitted to probate, wherein and whereby he did devise and bequeath as follows:—

“I will and direct that all my just debts, which will be found very few in number and insignificant in amount, shall be paid by my executor as soon as possible.

“It is my intention, by a codicil or codicils to this my will, to give considerable legacies, annuities and devises to different persons, but as I desire to take some time for reflection on this subject, and as I have made up my mind as to the disposition of my residuary estate after the payment of these legacies, annuities and devises; now, therefore, I do hereby give, bequeath and devise my whole estate, real and personal, legal and equitable, whatsoever and wheresoever the same may be, unto my brother-in-law, HENRY J. WILLIAMS, of the city of Philadelphia, his heirs and assigns, to be held by him for and upon the following trusts and purposes, and for and upon no other use, trust or purpose whatever—that is to say:—

“In trust, after paying, providing for and complying with all legacies, annuities, gifts, bequests and devises, declarations, and intentions which may be contained and expressed in any codicil or codicils to this my last will and testament which I may hereafter make (to be signed by me at the end thereof), whether the same be formally drawn or not; to have and to hold the whole residue and remainder of my estate, real and personal, whatsoever and wheresoever the same may be, for the following uses and purposes, viz.:—

“In trust, to select and purchase a lot of ground not less than one hundred and fifty feet square, situate between Fourth and Fifteenth and Spruce and Race streets, in the city of Philadelphia, and thereon to erect a fire-proof building sufficiently large to accommodate and contain all the books of the Library Company of Philadelphia (whose library is now at the corner of Fifth and Library streets), and to provide for its future extension according to plans, directions and specifications which I shall hereafter make or give; but if I should not make or leave any such plans, directions or specifications, then to erect the same according to his best judgment and to the views which I have expressed to him. It is my wish that this building should be exceedingly substantial, completely fire-proof, without any large, lofty or merely ornamental halls or lecture-rooms; the whole interior to be divided in such a way as to contain the greatest number of books, to be well lighted, and so arranged as to be of easy and convenient access.

“**And upon this further Trust**, so soon as this building is completed and ready for occupation, then in trust to convey the same, with the lot of ground whereon it is erected, unto ‘The Library Company of Philadelphia’ aforesaid, and their successors, for the uses and purposes of their library, and for no other use or purpose whatever.

“**Provided**, however, that before any such conveyance shall be made to the said Library Company, they shall, either by an alteration in their charter, or in some other way satisfactory to my executor, bind themselves and their successors to conform to and comply with the following express conditions, and any others I may hereafter impose, under which they are to hold the said property and all other bequests and devises herein or hereafter given to them:—

“*First*.—That the said Library Company shall not cause, allow or permit any lectures, public orations or oral addresses or exhibitions of any kind to be delivered, given or to take place on the said lot of ground, or in the said building; nor shall they cause, allow or permit the formation of any museum, cabinet, gallery or collection of natural history, statuary, sculpture, portraits or paintings thereon and therein, nor shall they use, apply or expend any funds, derived from me, or under my will or any codicil thereto, in procuring or defraying the expenses of any such lectures or exhibitions, public orations or oral addresses, or in the establishment or support of or for additions to any such museum, cabinet, gallery or collection, painting, or portraits (and especially that of the testator) on the said lot and in the said building or elsewhere.

“These are objects foreign to and inconsistent with the legitimate purposes of a public library, and it is only for the preservation, extension and free and convenient use of such a library, without any ambitious or pretentious display, that it is desired to make provision.

“*Second*.—That all the accounts of the receipts and expenditures from the estates aforesaid, real and personal, shall be kept separate and distinct from all other accounts of the said Library Company, and shall all be headed and kept as the accounts of ‘THE RIDGWAY BRANCH

