

The regular monthly meeting of the Board of Trustees was duly called for Friday afternoon, January 14th, 1910, but no quorum was present, and no business was transacted.

The regular monthly meeting of the Board of Trustees, Fairmount Park Art Association, was held at the office of the Secretary, 320 South Broad Street, at 3.45 o'clock P.M. to-day.

Present: -Mr. Dana, Mr. Fox, Mr. Pepper, Mr. Steinmetz, Mr. Crawford, Mr. Seeler, Mr. Borie, Mr. Kelsey, Mr. Miller. In the absence of the President, Mr. Dana occupied the Chair.

The Minutes of the previous meeting, copies of which had been mailed to all members of this Board, were approved.

The following communications were received-

- a. from Mr. Cohen, explaining absence.
- b. from Mr. Beck, suggesting that the Association take up at this time the subject of the artistic development of the Plaza to be created at the City Hall end of the Parkway. Mr. Borie called attention to the fact that this is the subject of the competition this year for the Walter Cope Memorial Prize, announced by the T-Square Club, and suggested that a copy of the announcement of this competition be sent Mr. Beck.
*Letter to Mr. Beck
Feb. 15, 1910
JSS Letter-book*
- c. from Mr. Daniel Baugh, resigning as Chairman of the Robert Morris Memorial committee, suggesting Mr. Theodore N. Ely as his successor, and subscribing \$500. to the fund for such a memorial.
- d. from Mr. Theodore N. Ely, declining to serve as Chairman of the Robert Morris Memorial committee, to which he was appointed by the President in accordance with Mr. Baugh's recommendation.
- e. from the following-accepting election as Trustees for the ensuing term of three years- Messrs. Stotesbury, Converse, Crawford, Borie, Kelsey, Fox.

Mr. Cohen, for the Committee on Monumental Memorial, sent a letter enclosing letter from Mr. John M. Gest, and copy of a letter from Mr. Daniel Chester French, sculptor, replying to criticism of the costume used in the model for the Hancock statue.

On motion, this correspondence, and the matter to which it refers, were referred to the Committee on Monumental Memorial, with power to act.

A report was presented from the Committee on Nominations, submitting the names of the present officers for re-election.

On motion, duly seconded, the report was accepted and the Committee discharged.

On motion, duly seconded, the Secretary was instructed to cast one ballot for the ticket presented by the Nominating Committee, which was done, and the following officers were declared elected for the ensuing year-

President-	Edward T. Stotesbury
Vice-Presidents-	John H. Converse, Charles E. Dana, John T. Morris
Treasurer-	William W. Justice
Secretary-	Leslie W. Miller
Counsellors-	James M. Beck, D. Stuart Robinson

*all notified
Feb 15 - 10
544 letter book*

Mr. Crawford called attention to the need of protecting Carpenters Hall by securing an adjoining property, now owned by Mr. Cohen, and destroying the building upon it. He suggested that the Association undertake this work, contributing or collecting the necessary funds, the acquired ground to remain the Association's property. He reported that Mr. Cohen offers to sell the property to the Association for five thousand dollars, a sum considerably less than its actual value, regarding the difference as his own contribution. Mr. John T. Morris has offered to contribute \$2,500. and ~~Mrs. Samuel Chew~~ \$500.

the Pa. Soc. of Colonial Dames
Action on this matter was deferred until the next meeting.

The Secretary submitted the following bill, which was approved, and warrant No. 47 in payment of the same was countersigned by the Chairman-

L.W. Miller, sundry bills paid for the Association, \$62.74

The meeting was then adjourned,

Leslie W. Miller
Secretary.

Minutes of Meeting. Board of Trustees. March 11th, 1910

The regular monthly meeting of the Board of Trustees, Fairmount Park Art Association, was held at the office of the Secretary, 320 South Broad Street, at 3.45 o'clock P.M., to-day.

Present- Mr. Dana, (in the Chair) Mr. Justice, Mr. Cohen, Mr. Seeler, Mr. Crawford, Mr. Borie, Mr. Miller.

The Minutes of the previous meeting were approved.

Communications explaining absence were received from Mr. Converse, Mr. Hetherington, Mr. Fox, Mr. Steinmetz.

The following communications were also received-

- (a) from the following officers, accepting election for the ensuing year-

Mr. Stotesbury,	President
Mr. Converse,	}- Vice-Presidents
Mr. Dana,	
Mr. Justice,	Treasurer (with the
	understanding that the present arrange-
	ment with the Penna. Co. to act as
	fiscal agent shall remain in force.)
Mr. Beck,	}- Counsellors
Mr. Robinson,	

A letter was also received from Mr. Morris' secretary stating that notice of election as Vice-President had been forwarded to Mr. Morris abroad.

- (b) from the Mayor's Secretary, stating that His Honor, Mayor Reyburn acknowledges receipt of the resolution adopted at the Annual Meeting of this Association endorsing the proposal for the appointment of a Commission to study the development of the City.

- (c) from Prof. Cret, asking permission to exhibit the Parkway drawings at the coming exhibition in Seattle.

The Secretary submitted a copy of his reply, authorizing such use of the drawings, provided they be insured and transported free of expense to the Association. This action on the part of the Secretary was, on motion, approved.

- (d) from Richard M. Cadwalader, President of the Penna. Society, Sons of the Revolution, stating that the Board of Managers cannot contribute from the funds of the Society toward the fund to preserve Carpenter's Hall by the purchase of adjacent property, but stating that individual members might be willing to contribute personally.

This was in answer to an inquiry by Mr. Dana.

Mr. Cohen, for the Committee on Monumental Memorial, submitted by way of report from that Committee a copy of the Minutes of a meeting held February 15th, as follows-

"Minutes of Meeting, Committee on Monumental Memorial, Feb. 15 '10
 "A meeting of the Committee on Monumental Memorial was held at
 "the office of the Secretary of the Association, 320 South Broad
 "St. at 3.45 o'clock P.M., to-day. Present- Mr. Dana (in the Chair),
 "Mr. Ely, Mr. Cohen, Mr. Seeler, Dr. MacAlister, Mr. Coates, Mr. LaLanne,
 "Mr. Borie, Mr. Miller. Mr. John H. Windrim, Architect, was also
 "present, by invitation. Communications explaining absence were
 "received from Mr. John M. Gest, and Mr. Kelsey.

"The letter from Mr. Daniel Chester French, sculptor, under date
 "of the 9th instant, addressed to Mr. John M. Gest, and replying
 "to certain criticisms that had been made of the model of the
 "Hancock statue for the Memorial, was read, and, on motion of
 "Mr. Ely, seconded by Dr. MacAlister, it was

"RESOLVED- that after hearing the correspondence with Mr. French,
 "this Committee approves of Mr. French's decision regarding
 "the costume and accoutrements of the Hancock statue as
 "shown in the model inspected by this Committee, November
 "26, 1909.

"Mr. Coates opposed the gilding of the statues, and expressed
 "the hope that if the standing figures of Meade and Reynolds
 "were taken down, the size of the capitals of the tall columns
 "might be increased, and a light patina substituted for the
 "gilding which had been proposed. The matter was discussed at
 "length, and on motion of Mr. Coates, seconded by Mr. Cohen, it was
 "RESOLVED- to call the Architect's attention to the extending
 "foot of the Reynolds statue, and to ask whether some
 "modification of the base of the figure could be made
 "that would improve the appearance of the statue in
 "this respect.

"The meeting was then adjourned

"CHARLES J. COHEN, Secretary. "

The foregoing report, which had been sent to Mr. Gest, and by
 him to Mr. French, was accepted, and the decisions of the
 Committee, as embodied therein, were approved.

Mr. Crawford advocated active effort on the part of this
 Association for the acquisition of property contiguous to
 Carpenters' Hall, and on motion of Mr. Crawford, seconded by
 Mr. Justice, it was

RESOLVED- that the Finance Committee be requested to report
 whether or not the Fairmount Park Art Association would be
 justified in contributing money to the fund for the purpose
 of preserving Carpenters' Hall through the purchase of property
 to the east thereof, the title of the property to be vested in
 the Fairmount Park Art Association.

Mr. Seeler called attention to the announcement that had
 recently been made of the proposal to erect a building contain-
 ing public baths &c. in Washington Square as a memorial to the
 late William L. Elkins. Mr. Crawford explained at length the
 project to which Mr. Seeler had referred, and after a full discuss-
 ion it was, on Motion of Mr. Borie, duly seconded,

RESOLVED- that the Board of Trustees of the Fairmount Park Art
 Association is distinctly opposed to the erection of buildings
 for any purpose whatever in any of the existing public squares
 of the city having historical ~~associations~~ associations.

It was also

RESOLVED- that a committee of two be appointed to attend a

*Letter to Mr. Justice
(Chairman) 3-14*

meeting at the Mayor's office on Tuesday morning, March 15, to present the views of this Association in regard to the acceptance of Mr. Elkins' offer of a pavilion in Washington Square.

The Chair appointed Messrs. Justice and Miller to act on this Committee.

Mr. Seeler announced that the Pennsylvania Museum & School of Industrial Art was considering a proposition to erect a new building on the Parkway, and that the suggestion had been made that the Fairmount Park Art Association might very properly take steps to invite co-operative movement in developing the Parkway at the Fairmount Park end among the institutions contemplating the erection of buildings.

On motion of Mr. Borie, duly seconded, it was

RESOLVED- that this Board invites a conference between the Academy of Fine Arts, the School of Architecture of the University of Penna., the Penna. Museum & School of Industrial Art and the Phila. Museums in regard to the proposal to develop the Parkway.

RESOLVED- that the matter of arranging the details of such a conference be referred to the Committee on Works of Art, with power to act.

Mr. Crawford announced a National Conference on City Planning, to be held in Rochester in May of this year, and expressed the hope that the next meeting of this body might be held in Philadelphia in 1911 and that this Association would subscribe \$100. to the guarantee fund. On Mr. Crawford's motion, duly seconded, it was

RESOLVED- that the Fairmount Park Art Association joins in an invitation to the National Conference on City Planning to meet in Philadelphia in 1911, and agrees to be responsible for a contribution to the guarantee fund of an amount not to exceed \$250.

RESOLVED- that the Secretary be instructed to attend the Rochester convention as the representative of this Association.

The following bill was presented and approved, and the Chairman countersigned warrant No. 48 in payment of the same-

L.W. Miller, sundry bills paid....\$ 110.50

The meeting was then adjourned

Lester W. Miller

Secretary

MINUTES OF MEETING. BOARD OF TRUSTEES. APRIL 8, 1910

The regular monthly meeting of the Board of Trustees, Fairmount Park Art Association, was held at the office of the Secretary, 320 South Broad Street, Philadelphia, at 3.45 o'clock p.m. to-day.

Present, Mr. Dana, Mr. Cohen, Mr. Steinmetz, Mr. Crawford, Mr. Borie, Mr. Miller. In the absence of the President, Mr. Dana occupied the Chair.

The Minutes of the previous meeting were approved.

Communications explaining absence were received from Mr. Fox, Mr. Warren, and Mr. Justice.

The following communications were also received-

- a. from Mr. Morris, accepting election as a Vice-President for the ensuing year.
- b. from Prof. Francke, stating that the cast of the Amazon has been repaired after some damage in transit, and mounted in the Germanic Museum of Harvard University.
- c. from Mrs. Frederic Remington, asking permission to make a replica of the "Cowboy". The Secretary submitted with this a copy of his reply, stating that her request would be brought to the attention of this Board.

Preliminary to taking any other action on Mrs. Remington's request it was, on motion of Mr. Crawford, duly seconded-

RESOLVED, that the Fairmount Park Art Association copyright the Remington statue of the "Cowboy" if Mr. Remington has not done so.

The Finance Committee, through Mr. Cohen, submitted by way of report on the matter referred to it at the last meeting, the following letter from Counsel-

" Philadelphia April 6, 1910

" William W. Justice, Esq., Chairman

" Committee on Finance, Legacies & Trusts,

" Fairmount Park Art Association.

" Dear Sir:-

" My opinion being asked as to whether the Fairmount
" Park Art Association would have the right to contribute money
" to the fund for the purpose of preserving Carpenters' Hall,
" through the purchase of property to the east thereof, the
" title to the property to be vested in the Fairmount Park Art
" Association, I have read again the original Act of Assembly
" incorporating the Association and the decree of the Court of
" Common Pleas No. 1, of November 27, 1906, amending the Charter,
" and I see no authority under which the Association would have
" the right to contribute any part of its principal or interest
" from either of its fund for that purpose, irrespective of
" whether the title were taken in the name of the Association
" or in the name of the City of Philadelphia.

" The objects of the corporation, as set forth in the decree
" of November 27, 1906, are twofold: one for the purpose of
" adorning Fairmount Park, and the other for the purpose of
" adorning streets, avenues and public places in the city of
" Philadelphia.

" The word 'adorning' is limited in its application,
 "because the decree further provides that the money shall be
 "devoted to and expended in adorning with statues, busts, and
 "other works of art, either of a memorial nature or otherwise.

" There is a third class of objects, and that it 'to
 "promote and foster the beautiful in the City of Philadelphia,
 "in its architecture, improvements, and general plan.

" The only clause in the objects of the Association under
 "which the property could possibly be bought would be that with
 "reference to 'promoting and fostering the beautiful in the
 "City of Philadelphia', and as this object is again limited
 "to promoting and fostering the beautiful 'in its architecture,
 "improvements, and general plan', it would appear to me that
 "the purchase of the ground adjoining Carpenters' Hall would
 "in no way either promote or foster the beautiful, the
 "architecture, improvements, or general plan of the City of
 "Philadelphia.

" The object to be accomplished is so praiseworthy that I
 "have strained at the construction of the Charter with the
 "view of giving such an interpretation as would allow the
 "property to be bought, but, even with the strain, I find it
 "impossible to reconcile the objects of the Association with
 "the purchase of this property, and, therefore, I am constrained
 "to say that, in my opinion, the property cannot be bought under
 "the authority given to the Board of Trustees by the Charter
 "and By-Laws.

" As a secondary matter, and not going into the question of
 "the authority of the Trustees to make the purchase, as I am
 "advised that the general fund of the City branch is already
 "overdrawn, I see no way in which you could purchase the
 "property, even though the Association had the authority
 "under its charter to do so.

" Yours very truly (signed) D. STUART ROBINSON. "

On motion of Mr. Borie, seconded by Mr. Steinmetz, it was ordered
 that the account ~~in~~ the name of the Children's Art Brigade be
 discontinued, and the amount of this fund (\$ 147.53) be added
 to one of the other funds. (Note. The Committee on Finance,
 Legacies and Trusts subsequently voted to add this amount to
 the Permanent Fund of the City Branch.)

Mr. Borie called attention to the present status of the project
 for a Soldiers' Monument in Philadelphia. No action was taken.

Mr. Cohen, for the Committee on Monumental Memorial (bequest of
 Richard Smith) reported that Mr. Potter's statue was nearly
 ready for inspection, and that the committee would probably be
 called together for this purpose within some 3 weeks.

The Secretary presented a bill for sundry expenses incurred,
 amounting to \$ 42.25, which was approved, and the Chairman
 countersigned Warrant No. 49 in payment of the same.

The meeting was then adjourned,

Levi C. Miller

Secretary.

MINUTES OF SPECIAL MEETING. BOARD OF TRUSTEES. MAY 13, 1910

A Special Meeting of the Board of Trustees, Fairmount Park Art Association, was held at the office of the Secretary, 320 South Broad Street, Philadelphia, at 3.45 o'clock p.m. to-day.

Present:- Mr. Dana, Mr. Fox, Dr. MacAlister, Mr. Cohen, Mr. Warren, Mr. Borie, Mr. Steinmetz, Mr. Miller. In the absence of the President, Mr. Dana occupied the Chair.

The Minutes of the previous meeting were approved.

Communications explaining absence were received from Mr. Justice and Mr. Kelsey.

On motion of Dr. MacAlister, duly seconded, the following was adopted by a rising vote-

RESOLVED- that a committee be appointed to prepare a suitable Minute, expressive of the regard of this Board for Mr. Converse, the committee to be instructed to forward a copy of the same to the family of Mr. Converse, and to publish the same in the daily papers of Philadelphia, and that the committee be given power to act in this matter. *

The Chair appointed the following Committee- Dr. MacAlister (Chairman), Mr. Cohen, Mr. Miller.

Frederic

The Secretary presented a letter from Mrs. Remington, asking permission to make a replica of the "Cowboy" statue, and reported that the statue had been copyrighted by Mr. Remington.

On motion, duly seconded, Mrs. Remington's request was referred to the Secretary with instructions to confer with Counsel regarding the rights of the Association in the matter, and to report at the next meeting of this Board.

The meeting was then adjourned,

Levin W. Miller

Secretary.

* see next page for copy of the Minute as prepared and forwarded by the Committee.

The Board of Trustees desires to place on record its appreciation of the services rendered to the Fairmount Park Art Association, and to the City of Philadelphia, by the late John H. Converse. He was a member of the Association for twenty-eight years, was President for five years, and, on declining this position in 1908, was Vice-President till the time of his death; and during all this time he took a sincere interest in its affairs. He was, besides, a liberal contributor to the various projects for adding to the attractiveness of the park. His advice in the financial affairs of the Association was greatly valued. No one could know him without appreciating his simple, quiet, but strong qualities as a man. As a citizen he enjoyed the respect of the entire community in an unusual degree, and while declining the civic positions which were offered to him, he was never found wanting in courage, in liberality, in patriotism, in all the affairs which minister to its honor and distinction. His charities, while not made public, were more than generous. As an employer of men on a large scale he was broadminded, sympathetic and liberal.

Resolved: that an engrossed copy of this resolution be sent to his family, and that copies be inserted in the daily journals of Philadelphia.

The regular monthly meeting of the Board of Trustees, Fairmount Park Art Association, was held at the office of the Secretary, 320 South Broad Street, Philadelphia, at 3.45 o'clock p.m. to-day.

Present- Mr. Stotesbury (in the Chair), Mr. Dana, Mr. Cohen, Mr. Warren, Mr. Fox, Mr. Crawford, Mr. Borie, Mr. Steinmetz, Mr. Miller, Mr. Morris.

The Minutes of the previous meeting, copies of which had been sent to all members of the Board, were approved.

Letters from Daniel C. French, addressed to John M. Gest, and to the Secretary, endorsing the work of Mr. F. G. R. Roth, were presented and laid on the table.

The following communications were also received:-

- Letter to Mr. Beck 11-23*
- a) from James M. Beck, of Counsel, in response to an inquiry from the Secretary, stating that he can find no statute or decision giving the Association exclusive right to make replicas of the Cowboy statue; but suggesting that ~~future~~ a provision to cover such a contingency be introduced into future contracts (see below for this letter in full)

Letter 11-23

On motion, the Secretary was instructed to write to Mrs. Frederic Remington stating that this Board takes pleasure in granting her request for permission to make a replica of the Cowboy.

- Letter 11-23*
- b) from Dr. E. A. Barber, Secretary of the Pennsylvania Museum, asking this Association to urge the Park Commission to consent to the removal of the Spanish cannon to the interior of Memorial Hall, where the Museum is anxious to display them, and care for them properly.

Letter referred to Committee

Mr. Stotesbury stated that he would himself bring this matter to the attention of the Park Commission.

- c) from Richard C. Schirmer, offering to arrange a concert (the Association to provide the hall, and sell tickets) the proceeds to go towards the fund for a memorial to Robert Morris.

Mr. Schirmer's letter was referred to the Committee on Robert Morris Memorial.

These committees notified 11-23

Mr. Fox moved the appointment of a committee of three to make nominations for Trustees in place of those whose terms expire this year, and to fill the vacancy caused by the death of Mr. Converse- the Committee to report at the next meeting of this Board. It was so ordered. (The Chair subsequently appointed to serve on this Committee, Messrs. Fox, Crawford, and Dana.)

Mr. Fox, who was obliged to leave early, spoke in favor of the purchase of property adjacent to Carpenters Hall, approving of the resolution to be submitted later, and also favored the suggestion of Counsel that the Charter be amended to enable the Association to hold more real estate. He moved that a committee of 3, consisting of Messrs. Crawford, Cohen, and Miller be appointed to revise and amend the Charter, in accordance with the recommendation of Counsel, and it was so ordered.

List of contributors to fund for purchase of Orianna St property, with amount of subscriptions. (see letter from Wm. W. Justice, Treasurer, with enclosures, Feb. 23, 1911, in letter-file.)

Maurice Fels.....	\$ 50.
Dr. George Woodward.....	50.
Joseph G. Rosengarten.....	100.
Brown Bros. & Co.....	100.
W. Atlee Burpee.....	100.
E. Burgess Warren.....	100.
The Carpenters' Company...	500.
Mrs. Samuel Chew.....	80.
Miss Martha M. Brown.....	20.
Joseph A. Steinmetz.....	5.
John T. Morris.....	2500.
Charles J. Cohen.....	2500.
Society Colonial Dames....	500.
E. W. Clark & Co.....	100.
Drexel & Co.....	250.
Mrs. C. W. Henry.....	200.
4th St. National Bank.....	100.
S. W. Colton jr.....	100.
Fidelity Trust Co.	100.
Guarantee Trust.....	100.
Proprietors Bullitt Bldg..	<u>100.</u>

7655.

Mr. Cohen, for the special Committee appointed at the last meeting, presented a copy of the Minute on the death of Mr. Converse (for this in full, see supplement to Minutes of the last meeting) and submitted correspondence with the family (his letter, and their acknowledgement) in connection with its delivery. (see Reports file under C for these letters.)

On motion of Mr. Crawford, the following was adopted:-

WHEREAS Mr. John T. Morris and Mr. Charles J. Cohen, trustees of this Association, have offered to contribute the major portion of the consideration for the acquisition of the piece of property to the east and southeast of Carpenters Hall in the city of Philadelphia, at 110 & 112 So. Orianna St. the said property to be conveyed to the Fairmount Park Art Association, the buildings to be removed from the said property, and, if it is deemed advisable by the said Association, some statue, bust, tablet, or other work of art, either of a memorial nature or otherwise, which shall be appropriate in view of the proximity of this property to the aforesaid Carpenters Hall, to be erected thereon.

AND WHEREAS the Society of Colonial Dames and the Carpenters Company have heretofore subscribed the sum of five hundred dollars (\$500.) each toward the acquisition of the above mentioned property, and the removal of the buildings thereon, with the intention among other things to protect Carpenters Hall from destruction by fire; and the further sum of one thousand, six hundred and fifty five dollars (\$1655.) has been subscribed for the same purpose by the following-

Brown Brothers & Co	W. Atlee Burpee	Miss Martha M. Brown
Mrs. Samuel Chew	E. W. Clark & Co	S. W. Colton jr.
Drexel & Co	Maurice Fels	Fidelity Trust Co
4th St. National Bank	Mrs. Charles W. Henry	Guarantee Trust & Safe Dep. Co.
Proprietors Bullitt Bldg.	Jos. G. Rosengarten	Joseph Allison Steinmetz
E. Burgess Warren	Dr. George Woodward	

AND WHEREAS the subscription of the Carpenters Company and that of Mr. Steinmetz includes the sum of one hundred and fifty-five dollars (\$155.) toward the cost of the removal of the building.

NOW THEREFORE BE IT RESOLVED that the Fairmount Park Art Association accepts the title to the said property upon the conditions stated.

AND IT IS FURTHER RESOLVED that the trustees of the Fairmount Park Art Association hereby recognize the generosity of the association and individuals, subscribers to the aforesaid fund in this evidence of their public spirit in donating the said property for the purposes mentioned, and in thus removing from Carpenters Hall, which is second only to Independence Hall in its importance in the history of the United States of America, a source of danger from fire which has long threatened the historic building, and desire to record herewith their hearty appreciation of this gift.

AND IT IS FURTHER RESOLVED that these resolutions be spread upon the minutes, be printed in the Annual report of the association, and published in the daily newspapers.

AND IT IS FURTHER RESOLVED that the Secretary be directed to thank the contributors, on behalf of the Association, for their liberal donations.

On motion of Mr. Crawford, it was also ordered that the special thanks of this Board be tendered to Messrs. Cohen and Morris.

On motion of Mr. Crawford it was resolved that this matter be made public at the time of the next annual meeting, but that the necessary legal steps be taken to transfer the title to the Association and complete the transaction at the earliest possible moment.

Mr. Cohen brought up the matter of erecting a suitable shelter over the Grant cabin in Fairmount Park, which had been discussed in 1904 but allowed to lapse. He stated that there was reason to believe that the Park Commission would be willing to take up the matter as soon as a design and estimate for such a shelter as is contemplated is submitted, and the resolution of November 11, 1904 was confirmed, as follows-

RESOLVED that the question of removing and preserving the Grant cabin be referred to a special committee consisting of Mr. Cohen, Mr. Morris and Mr. Miller, with authority to obtain designs and procure estimates.

Mr. Cohen submitted the following memorandum-

On March 2, 1912 will occur the fiftieth anniversary of the engagement in Hampton Roads, Va. between the Confederate ram "Merrimac" and the Federal "Monitor" designed by Captain John Ericsson. It will be remembered that the Fairmount Park Art Association has in its charge a special fund, amounting to \$7,582.74 instituted in 1899 through a donation of \$5,000. from an anonymous donor through the late James W. Paul, jr. Trustee and Treasurer of this Association. Some work has been done by this Committee since its organization, and a number of donations received in addition to the principal amount above named. The officers of the Committee are Messrs. E. T. Stotesbury, Chairman; William W. Justice, Secretary, and the list of the Committee, as originally organized will be found in the printed report of the Association for 1910, page 7. It seems eminently fitting that an earnest effort should be made to provide a suitable memorial, and if possible to have it completed, ready for unveiling on the anniversary above named. If the memorial be placed in Fairmount Park, a suitable appropriation would be justified from the General Fund, Park Branch, which at ~~this time~~ the present time is \$11,655.68. Should, however, it be deemed desirable to place the memorial on the Parkway, such an appropriation would be available only if the Parkway were brought under the control of the Commissioners of Fairmount Park, and thus become part of the Park.

On Mr. Cohen's motion it was

RESOLVED that the memorandum offered to-day be referred to the Ericsson Committee with the request that it report back to this Board at the next meeting.

On behalf of the Committee on Monumental Memorial Mr. Cohen reported that a meeting of the Committee was held at the studio of Edward C. Potter, Greenwich Conn. April 28 1910, at which the plaster model of the full size equestrian statue of Gen'l Hancock (being the completed work by Mr. French, assisted by Mr. Potter) was examined and approved.

Mr. Cohen also reported that he had notified Mr. Gest that as the Architect was in charge of the mechanical work his inspection of the finished cast would be sufficient and that the Committee would accept his report.

On motion, the action of the Committee in accepting the plaster cast of the Hancock statue, and Mr. Cohen's letter regarding the Committee's attitude in regard to inspecting the finished bronze, were approved.

Mr. Cohen also submitted a letter from Mr. Gest, stating that the U.S. Circuit Court of Appeals had affirmed the judgment of the lower court in the case of the Trustee of the Monumental Memorial against the American Surety Co. which gave bond for Mr. Bartlett's completion of the work originally assigned to him for the Memorial.

Mr. Cohen submitted a communication from the American Federation of Arts, describing its activities and inviting additions to its membership. On motion it was resolved that this Association apply for membership in the Federation.

Mr. Crawford reported that the next meeting of the National Conference on City Planning would be held in this city next year, and moved the appointment of a Committee of 3 to represent this Association on the local committee of arrangements, and it was so ordered. (The Chair subsequently appointed Messrs. Miller, Steinmetz and Justice.)

On motion of Mr. Crawford, Mr. Steinmetz was appointed Chairman of a Committee to arrange for the coming Annual meeting, with power to appoint the other members, and the sum of \$1,000. should so much be necessary, was appropriated for the expenses of the meeting.

Mr. Cohen submitted a report from the Finance Committee, showing investments made, and noting the transfer of the balance formerly showing under the Children's Art Brigade to the City Branch, Permanent Fund, in accordance with a vote of this Board April 8 last. (for this Report in full, see Committees file under F.)

Mr. Cohen submitted the Treasurer's Report for the fiscal year just closed, which was accepted and referred to the Auditing Committee.

Mr. Steinmetz called attention to the work of the Robert Morris Committee and moved that the resignation of Mr. Daniel Baugh as Chairman (~~present~~ presented at the February meeting of this Board) be accepted, and Mr. Roland L. Taylor appointed Chairman in his place, and it was so ordered.

The meeting was then adjourned

Leslie Miller

Secretary

*Letter to F. A. Miller
11-23*

Notified 11-23

*Letter to Mr. Baugh
11-23*

The letter from Mr. Beck, of Counsel, submitted at this meeting (Nov. 11) is as follows:-

"

August 9th, 1910

Leslie W. Miller, Esq.

Secretary, Fairmount Park Art Association.

My dear Sir:-

I have given some consideration to the question which you submitted to me as to the right of the estate of Frederick Remington, deceased, to make replicas of the statue of the "Cowboy", which he designed under a commission from your Association. I find nothing in the contracts, which restricts any right which Mr. Remington may have had in his lifetime and which his estate now has to make and sell replicas of this statue. The question therefore depends upon the general laws of copyright, and as to this I express an opinion with some diffidence, as the law of copyright, patents and trademarks is as much a specialty as dentistry, and it would probably be wiser for the Association to get an opinion from some one who is an expert in this special branch of the law. I find that the copyright laws provide that

'The designer of statuary and the executors, administrators or assigns of any such person shall * * * have the sole liberty of * * * publishing, completing, copying, executing, finishing and vending the same.'

It has been held in the case of Patterson v. Ogilbie Co., 119 Federal Reporter, p. 451, that the sale of an original work of art does not give the purchaser the right to reproduce it and that such right still remains with the owner of the copyright.

In another case the sale of a copper plate for a map was held not to pass to the purchaser the right to print such maps.

It would therefore seem to me that if Mr. Remington copyrighted the design of his statue, he in his lifetime and since his death his estate, have the sole right to make and sell copies. If, however, no copyright was ever taken out, then it would seem to me that any one who had access either to the original model or to the statue could duplicate it at will.

This view of the law does not seem to me to accord with common fairness, for when the Association commissioned Mr. Remington to design this statue and have it executed in bronze, it could hardly have ~~contemplated~~ contemplated that he could sell other copies and thus destroy the distinctive value of the original statue. Nevertheless, I can find no statute or decision which gives to your Association the exclusive right to make replicas of this statue. I remember that when I ~~arranged~~ arranged with Mr. St. Gaudent for a replica of the Puritan statue at Springfield, Mass., the present owners of that statue at Springfield were not, so far as I know, ever consulted. I also arranged for Mr. Harjes for the replica of the Franklin statue for the city of Paris. I have no recollection that any one consulted the city of Philadelphia, which is the present owner of the Franklin statue as to Mr. Boyle's right to make a replica. These two instances prove nothing except the right which sculptors apparently claim to make replicas of their works.

While, therefore, I am of opinion that the Remington estate can make and sell replicas of the Cowboy, I think the Association should carefully consider the policy of inserting in any future contracts a clause which would require the sculptor whom it commissions, to convey to the Association the copyright, or would at least restrict his right to make replicas without the written approval of the Association.

Indeed it is probable that the making of replicas might be a source of considerable revenue to the Association, where a sculptor of unquestioned reputation is commissioned.

In this aspect of the matter the question is important and I renew my suggestion that the Association shall get an opinion from some specialist in copyright law and at the same time obtain from him a form of contract which will fully protect the Association in the matter.

(signed) Yours very truly,

JAMES M. BECK."

MINUTES OF MEETING. BOARD OF TRUSTEES. DECEMBER 9th, 1910

The regular monthly meeting of the Board of Trustees, Fairmount Park Art Association, was held at the office of the Secretary, 320 South Broad Street, at 3-45 o'clock P.M. to-day.

Present:— Mr. Stotesbury (in the Chair), Mr. Dana, Mr. Cohen, Mr. Warren, Mr. Justice, Mr. Morris, Mr. Fox, Mr. Steinmetz, Mr. Crawford, Mr. Kelsey, Mr. Borie, Mr. Miller, Mr. Seeler.

The Minutes of the previous meeting, copies of which had been sent to all members, were approved.

The following communications were received—

- a. from Mr. Depper, explaining absence
- b. " Mr. Justice, declining, because of absence from the City, to serve on the Committee appointed last month to co-operate with the local committee on arrangements for the coming meeting in this city of the National Conference on City Planning.
- c. " Mrs. Frederic Remington, conveying her thanks for permission granted by this Board to make a replica of the Cowboy statue.
- d. " Mr. Beck, suggesting that the Municipal Art Gallery be made the subject for the coming Annual meeting, and offering to speak on this subject.

The Secretary reported the receipt of \$500. from Mr. Daniel Baugh as a contribution toward the Robert Morris Memorial, which had been received and forwarded to the Treasurer.

Mr. Justice, for the Committee on Ericsson Memorial presented a Report (for this in full, see Committees File, under "E") showing a balance in the fund of the Committee of \$ 7,582.74.

The Report further recommended that this Board make an appropriation ^{of \$2,500.} from its General Fund, Park Branch to the Committee, and that the Committee be authorized to expend \$500. in securing from some sculptor, to be hereafter selected, a design for a suitable memorial, with the understanding that no obligation shall rest with Board or Committee to award the final contract to the maker of such design, but if the final contract be so awarded, then this sum of \$500. shall be credited as a payment toward the \$15,000. available for the completed work. The report also suggested that the Schuylkill river frontage of the Park might be an appropriate site.

The report was accepted, and its recommendations, including the appropriation of \$7,500., were approved.

The Committee appointed at the last meeting to make nominations for Trustees to be elected at the coming Annual meeting submitted the following names, which were approved.

To serve for three years:— James MacAlister, LL.D., Leslie W. Miller, James M. Beck, Charles J. Cohen, Joseph Allison Steinmetz, Edgar V.

*Letter to Mr. Justice
12-15-10*

Seeler, - and for the unexpired term of two years, to fill vacancy caused by death of Mr. Converse, Roland L. Taylor.

Mr. Cohen, for the auditing Committee, reported that the Treasurer's Report had been audited and found correct.

On motion, the Secretary was instructed to present at the Annual meeting an abstract of the Treasurer's Report.

Mr. Cohen submitted a letter from John M. Gest, Esq. asking for the formal approval of the Hancock Statue for the Monumental Memorial. Mr. Dana and Mr. Miller reported inspecting the work. On motion the completed statue, now in position on the Memorial was formally approved, and the Secretary was instructed to notify Mr. Gest accordingly.

Mr. Cohen presented a letter sent by Edward C. Potter to John M. Gest stating that his model of the McClellan statue would be ready for inspection after Dec. 13. and asking for photographs to assist him in creating as good a likeness as possible.

Mr. Cohen reported that Mr. French declined to sign the completed Hancock statue, on the grounds that the statue is Mr. Ward's work, all that he (Mr. French) had done being the superintendence of the mechanical enlargement and completion of the work in accordance with Mr. Ward's expressed desires.

On motion, Mr. French's decision in this matter was approved.

Mr. Cohen moved the appointment of a Committee of three to consider candidates for officers of the Board of Trustees for the ensuing year, this committee to report to this Board with a list of names at the first meeting subsequent to the coming Annual meeting of the Association, and it was so ordered.

The Chair subsequently appointed this Committee as follows- Mr. Cohen (chairman), Mr. Morris, Mr. Steinmetz. *[Mr Morris afterwards withdrew and Mr. Boris was appointed in his place.]*

Mr. Crawford presented the following Communication from Counsel, as a report from the Committee appointed at the last meeting of this Board to consider the amending of the Charter so as to allow the Association to hold more real estate. The report was accepted, and the Committee discharged. It was further ordered that the letter from Counsel be spread upon the Minutes, and printed in the Annual Report. This letter follows:-

"

December 2, 1910

Fairmount Park Art Association,
Gentlemen-

Sometime ago we wrote you that in reading over the charter we noticed that the right of the Association to hold real estate was limited to a yearly income of \$2,000. and suggested that it might be advisable for the Association to procure another amendment to its charter, which would enable it to hold real estate having a very much larger yearly income.

In pursuance of this suggestion we understand that the Trustees have taken this matter up with the idea of having such an amendment to the charter granted by the courts.

*Letter to Mr Gest
12-15-10*

*Committee notified
12-15-10*

"Since advising you that we thought the charter ought to be amended, we have given a careful examination to the different statutes authorizing corporations of your class to hold property, and we find that these statutes have very materially enlarged your powers, and now enable you to hold personal and real estate of the yearly value of \$30,000. In addition to this power, it was provided under the Act of June 9, 1891 that in case any property is devised or bequeathed to you in excess of this statutory limitation, that upon application to court, the Association can acquire the authority to hold such additional personal and real estate.

There are several different statutes which bear on this subject, and I quote from them:

The Act of 26 April, 1855, 4, (P.L. 329) provides

'Any literary, religious &c. Association or corporation, having capacity to take and to hold real and personal estate within this commonwealth, may acquire and hold the same to the extent in the aggregate of the clear yearly value of the five thousand dollars, and to no greater extent, without an express legislative sanction.'

The Act makes no distinction as to how much personal or how much real estate.

The Act of 22 April 1889, Sect. 1, (P.L. 42) provides

'Any literary, religious, charitable, or beneficial society, congregation or corporation, having capacity to take and hold real and personal estate within this commonwealth, may acquire and hold the same to the extent in the aggregate of the clear yearly value of thirty thousand dollars, and to no greater extent without an express legislative sanction.'

It would seem therefore, that under this act of 1889, the Association has power to hold personal and real estate of the yearly value of \$30,000 and no distinction is made between personal and real estate.

The Act of the 6th June 1893, Sect. 1. (P.L. 324) provides

'That where the amount of property held by a charitable Association or corporation is insufficient to enable it to fully and properly accomplish the religious, educational, literary, scientific or charitable work or purpose for which it was formed, it may apply by petition to the Court of Common Pleas, setting forth the facts, and the Court shall then inquire as to the truth of such facts and whether the prayer of the petition can be allowed without injury to the public welfare, and thereupon it shall be lawful for such court to enter a decree extending and defining the amount of property, real and personal, which such corporation shall be permitted to hold.'

The Act of 9 June 1891, Sect 1. (P.L. 211) provides

'It shall and may be lawful for any corporation incorporated under the laws of this state, or of any other state of the United States, to take, have and hold real estate heretofore given or devised, or hereafter given or devised to such corporation to be used for any religious or charitable purposes: PROVIDED, That nothing therein contained shall be taken to relieve real estate from being taxed in like manner with other real estate ^{within} ~~in~~ this commonwealth: AND PROVIDED FURTHER, That all real estate held under the provisions of this act, shall be sold by such corporations within five years from the time the right of possession shall accrue to such corporation.'

Under the Act of 1891 the Association would have five years within which to petition the court for leave to hold any additional personal and real estate exceeding the yearly value of \$30,000. which may hereafter be devised or bequeathed to it.

Under these acts of Assembly, it would seem to us that the Association has ample power for its present and future requirements, and in case of a large devise ~~ofxxxxxx~~ or bequest, we shall have abundance of time in which to procure an amendment to the charter in order to accept the gift.

Lest anyone, reading our printed copy of the Charter, should doubt the right of the Association to hold real estate greater than the yearly income of \$2,000. , we would suggest that immediately after Article 2 a clause be inserted setting forth 'that under the laws of the State of Pennsylvania the Association is entitled to hold real and personal estate of the yearly value of \$30,000.' and then follow with another paragraph setting forth 'that under the laws of Pennsylvania, the courts are authorized to enter a decree extending and defining the amount of property which the Association shall be permitted to hold.

Yours very truly

(signed)

JAMES M. BECK

(signed)

D. STUART ROBINSON "

Mr. Steinmetz reported that January 24 (Tuesday evening) had been fixed for the Annual meeting, he also reported the program as far as prepared.

On motion it was decided to invite Mr. Beck (in accordance with his letter presented to-day) to address the Annual meeting on the subject of the Municipal Art Gallery, and to modify accordingly the program as previously arranged, deferring the formal invitation to Mr. Hicks of the Mayor's office to present the subject of a Convention Hall.

On motion of Mr. Crawford it was RESOLVED that a committee of five be appointed to attend a meeting of Public Playgrounds Committee to protest against the use of our historic public squares for buildings, and that the chairman be instructed to request the chairman of the Public Playgrounds Committee (R. C. McAllister, Esq) to appoint a time for such meeting.

The Chair subsequently appointed this Committee as follows-
Wm. W. Justice, Chairman, Charles E. Dana, John T. Morris, Albert Kelsey, Leslie W. Miller.

✓ committee notified
Dec 12.
✓ notices of meeting
Dec 16, but Dec 14.

Mr. Morris offered the following, which was unanimously adopted-

Following the resolution adopted by this Board at its last meeting November 11, 1910, in referende to the acquirement of the property 110 and 112 South Orianns Street, the Treasurer states that the amount of subscriptions, \$5,155. has been received in cash, with the exception of the subscription by Mrs. Charles W. Henry, amount \$200. which will be forthcoming shortly. Therefore

RESOLVED that the Board of Trustees, Fairmount Park Art Association, instructs William W. Justice, Esq., Treasurer of the Association, to make settlement for the property by payment of \$5000. to Charles J. Cohen its present owner. The total amount to be paid for the property is \$7500., \$2500. of which is contributed by the said Charles J. Cohen.

RESOLVED that the Treasurer be instructed to purchase from the owner the two policies of insubance for \$4000. on the building, expiring on March 20, 1911, and also to renew said insurance from that date until a time approximate to the demolition of the building.

A bill was presented by the Secretary, covering sundry expenses incurred, which was approved, and Warrant No. 56 for \$50.87 in payment of the same, was approved, and countersigned by the Chair.

The meeting was then adjourned

Lester W. Miller
Secretary

Warrant no 57 drawn
by letter to Mr Justice
Dec 20.

certified copy to Mr Justice 12-16-10
SSS letter