

Joseph W. Catharine papers regarding the Thomas W. Evans estate

Ms. Coll. 1232

Finding aid prepared by Rive Cadwallader.

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University of Pennsylvania, Kislak Center for Special Collections, Rare Books and Manuscripts

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Summary Information

Repository	University of Pennsylvania: Kislak Center for Special Collections, Rare Books and Manuscripts
Creator	Catharine, Joseph W., 1857-1936
Title	Joseph W. Catharine papers regarding the Thomas W. Evans estate
Call number	Ms. Coll. 1232
Date	1897-1931, undated
Extent	2.2 linear feet (6 boxes)
Language	English
Language Note	Most of the papers are in English, but some letters and legal documents are written in French.
Abstract	<p>The Joseph W. Catharine papers contain records, correspondence and legal documents dating from 1897 to 1931, which relate to the litigation of the Thomas W. Evans estate. Although Dr. Evans, a wealthy dentist, left a clear last will and testament, it took about sixteen years for his estate to be administered due to a string of legal battles between the heirs, executors and City of Philadelphia (represented by Catharine in his capacity as Assistant City Solicitor). The collection includes professional correspondence, legal notes and memoranda, formal legal documents filed by name of court, the records of the Thomas W. Evans Museum and Institute Society, and the financial records of the estate's dispensation.</p>

Cite as:

Joseph W. Catharine papers regarding the Thomas W. Evans Estate, 1897-1931, undated, Ms. Coll. 1232, Kislak Center for Special Collections, Rare Books and Manuscripts, University of Pennsylvania

Biography/History

Joseph W. Catharine was born at sea on January 3, 1859, on the *Carrier Dove*, a ship owned by his father, which sailed between Philadelphia and various southern ports. Catharine was educated at Central High School in Philadelphia and began his career at the City Treasurer's office. In 1889, Catharine was admitted to the bar, and four years later began working at the office of the Philadelphia City Solicitor. There, Catharine litigated many cases on behalf of the City, including that of the Evans estate. Throughout his life, Catharine was a great supporter of education and in 1900 was appointed a member of Philadelphia's Board of Education. Catharine married Emily Thornton in 1878 and died in 1936, at age 79.

Dr. Thomas Wiltberger Evans (1823-1897) was an extremely wealthy dentist who grew up in Philadelphia but practiced in Europe, including at the court of Napoleon III. Evans left two copies of his last will and testament - one to be valid under French law and the other in the United States. The wills were written simultaneously and articulated the same wishes for the distribution of the estate, namely that the great bulk of its \$4,000,000 (mostly in Paris, New York, Philadelphia, and Baltimore real estate) be granted to the City of Philadelphia for the creation of a museum and dental institute. Evans had no children, but he dedicated a total of \$276,000 to a number of relatives, and gave "large jurisdiction" to the six executors of his estate, all of whom were family members or close friends. Thus, Evans' will created three parties with a vested interest in the distribution of his fortune: the heirs, the executors (Reverend William W. Heberton, Joseph Miller Wilson, Charles F. Muller, Horace S. Ely, Dr. Edward A. Crane and Arthur E. Valois), and the City of Philadelphia (represented by Assistant City Solicitor, Joseph W. Catharine).

Disagreement and factionalism sprang up almost immediately between these groups, with the heirs challenging the validity of the will and the legitimacy of the City to receive estate funds since the Museum and Institute did not yet technically exist. This prompted the City first to file a charter (granted in 1899) to incorporate the Thomas W. Evans Museum and Institute Society, and then to collaborate with the executors on an agreement that would limit the power of the heirs over the estate. In 1900, the heirs were granted a total of \$800,000 in bonuses (on top of the \$275,000 left to them in the will) so that they would surrender their right to further litigate the estate.

However, the estate executors strongly disapproved of the City's incorporation of the Society, bringing an end to the truce between the two parties. The executors argued that the charter would complicate the settlement of the estate in the French courts because of a Napoleonic law requiring that a corporation can only receive money from an individual's will if it was in existence at the time of that individual's death. The executors filed a suit against the city, setting off a new string of lawsuits which carried on for years, perhaps becoming most bitter in 1905 when the City accused three of the executors of mismanaging the estate for their own personal financial benefit.

Finally, in 1914, the city, heirs and executors all reached an agreement about the proper dispensation of the Evans fortune. The estate had shrunk considerably by this point, both as a result of the long litigation and the depreciation of its real estate, but with the \$1,500,000 that it eventually received, the City established the Museum and Dental Institute that Dr. Evans had described in his will. Construction of the building, on 40th and Spruce Street in Philadelphia, was completed in 1915.

Scope and Contents

The Joseph W. Catharine papers regarding the Thomas W. Evans estate contain records, correspondence and legal documents relating to the litigation of the Thomas W. Evans estate. As assistant city solicitor, Catharine advocated for the interests of the City of Philadelphia over the course of the sixteen years that it took for Evans' will to be implemented and his fortune dispensed. The first series in this collection contains correspondence (1898-1916, undated, bulk 1906-1909) relating to this long legal process. Series two (1898-1915, undated) contains mostly notes as well as memoranda and some documents used as evidence in court. The next series (1897-1915, undated) contains documents filed in specific courts in Philadelphia, New York and Paris, and the last two series contain, respectively, the records of the Thomas W. Evans Museum and Institute Society (1899-1931, undated) and financial records relating to the administration of the Evans estate (1899-1909, undated).

The nine cases for which there are labeled court records in this collection are Charles F. Muller et al., as Executors of and Trustees under the Last Will and Testament of Thomas W. Evans, deceased, against the City of Philadelphia, Thomas W. Evans Museum and Institute Society, et al.; Charles F. Muller et al., as Executors of and Trustees under the Last Will and Testament of Thomas W. Evans, deceased, against the City of Philadelphia, Thomas W. Evans Museum and Institute Society, Arthur Valois as et al. as Executor of and Trustee under the Last Will and Testament of Thomas W. Evans, deceased, et al.; The Heirs, etc., of Thomas W. Evans, Deceased, against Arthur E. Valois and Others as Executors etc., of Thomas W. Evans, deceased; The Heirs, etc., of Thomas W. Evans, Deceased, against The Thomas W. Evans Museum and Institute Society; The Thomas W. Evans Museum and Institute Society against Certain Heirs of Thomas W. Evans, deceased; Arthur E. Valois and Others, as Executors, etc., of Thomas W. Evans, deceased, and Others, against the The Thomas W. Evans Museum and Institute Society; The Thomas W. Evans Museum and Institute Society against The Esterbrook Steel Pen Manufacturing Company; Mr. Muller, Mr. E. Ely, Mr. Wilson, Mr. Heberton, Mr. Valois against Mr. Henry Evans, Mr. Crane, the City of Philadelphia; Mr. Muller against the City of Philadelphia.

The correspondence in this collection is predominately amongst representatives of the City (Mayor John Weaver, City Solicitor John L. Kinsey and Catharine himself); Trustees of the Board of the Thomas W. Evans Museum and Institute Society (J. Levering Jones and W. W. Foulkrod); and lawyers and law firms either engaged by the City or by the executors of the estate (G. Heide Norris, Gaston Pineau, Charles H. Tuttle, Du Buit, Arthur B. Huey, Henry G. Charpiot, Davies, Stone and Auerbach, Bouvier & Dugro, Dickenson, Beitler & McCouch, and Coudert Brothers). The bulk of the correspondence dates from 1906 to 1909, during which time there was almost constant contact between certain of the above parties. The correspondence of this period consists of professional exchanges about the legal dimensions of the Evans estate case. Two noteworthy documents within these files are an open letter sent by executor Charles F. Muller to Mayor Weaver on April 25, 1906 and a letter sent to Catharine by Sarah Gray Crane, the widow of executor Edward A. Crane, dated July 11th, 1906, both of which respond to allegations that Muller, Crane, and one other executor had been siphoning money off the estate. The correspondence from

between 1910 and 1912 concerns itself more with the operations of the Thomas W. Evans Museum and Institute Society, and includes a number of letters to or from Henry Rainey, the assistant secretary of the Society.

The correspondence consists mainly of typewritten letters, though there are some handwritten letters, telegrams and telegraphs as well as some reprographic copies of letters. These were originally sorted chronologically, and this organizational scheme has been preserved. Letters that were pinned or paper-clipped together have been kept in order, and in a few instances legal documents that accompanied letters have been kept in this series. About fifty small, empty envelopes addressed mostly to Catharine (which possibly held invitations to social functions) are included in box 3, folder 5, and the following file contains some invitations to dinner, calling cards, postcards and untidy notes of addresses. An invitation to the dedication of the University of Pennsylvania School of Dentistry is also included in this series as are two undated black and white photographs of Catharine.

The second series of the collection is comprised of legal notes relating to the Evans case. These papers consist mainly of letters granting power of attorney, documents used as evidence in court, notes on French law and memoranda of legal agreements. All of these documents differ from the papers in series three in that they were not filed in a specific court, and do not represent formal court proceedings. Researchers will find ordinances from Philadelphia Mayors Warwick, Reyburn, Ashbridge and Weaver granting Catharine, Gaston Pineau and Oliver E. Bodington power of attorney for the City; legal evidence presumably used in court, including copies of a number of French legal documents sent to Philadelphia, probably for this purpose; testimonies of French lawyers, letters sent from France by Henry Rudolph Evans to the City of Philadelphia to announce suits filed against the City, and a set of notes (some handwritten and barely legible) on the proceedings of the case; and specifics of the law as they relate to the Evans matter, namely a compilation of some pertinent cases in the French courts, sets of questions posed by Catharine to legal experts and their replies, and formal suggestions for legal actions. On several occasions, Catharine wrote up memoranda providing the facts of the case, its present status and a "discussion of the law" (1898, 1905), which are included in box 4, folder 7. Researchers will also find memoranda of legal agreements mostly between estate executors, heirs, the Thomas W. Evans Museum and Institute Society and the University of Pennsylvania, in various combinations.

Series III. contains legal documents and contracts that were filed in specific courts. Organized by court, documents are filed under (respectively): the Philadelphia Court of Common Pleas, Number 4 (December 1897); Civil Tribunal of the Seine, Court of First Instance, First Chamber, Paris (1897, 1898); Orphans Court of Philadelphia County (1898, 1902, 1907, undated); Supreme Court, County of New York (1898-1912, undated); Circuit Court of the United States for the Southern District of New York (1906, undated); Supreme Court, Appellate Division (1906-1907); Philadelphia County (1907-1911). There are also records from a suit between the heirs and the Thomas W. Evans Museum and Institute Society (May-October 1907), do not specify a court. Last in this series is a file with legal documents (or drafts and copies of legal documents) signed by estate executors in the presence of a United States Consul General (1907-1909). Many of these legal documents are labeled to specify what type of contract, record or indenture they are, such as a quit-claim, legal summons, consent to judgement, affidavit or summary of evidence.

Series IV. contains the records of the Thomas W. Evans Museum and Institute Society. This series holds printed pamphlets such as the charter and by-laws of the Society, the program for the dedication of the Museum and Institute building, scientific research conducted at the Institute and the various committees of The Philadelphia Museums (1899-1931). Box 5, folder 14 (1903-1912) holds the minutes of meetings of either the Society's Board of Trustees or its Executive Committee, along with a list of members of the Society, a legal explication of the power of trustees to delegate their duties, and a draft of an architect's contract. The first folder in box 6 holds a report submitted by Dr. Edward Cameron Kirk to the Society in 1909, which outlines the proposed curriculum for the Institute, and the equipment and facilities necessary to implement it. The next file is a short, undated essay written by Thomas Evans' nephew, Dr. W.

Warrington Evans, titled, "The Evans Trust, and what it could do for the Profession," which provides the author's opinion on how the dental school should be organized and operated. The last folder in this series contains several inventories of the art objects and luxury items that Dr. Evans willed to the Society for display in the museum.

The final series of the Catharine papers contains financial records, starting with those of monetary and real estate assignments to executors and heirs, and the corresponding memoranda of deposit documents (1905, 1907, undated). Box 6, folder 5 (1899-1906, undated) contains documents that pertain to the late Dr. Evans' real estate holdings (namely, income from renting these properties and maintenance expenses). The next two files contain, respectively, an undated description of the New York, Philadelphia and Baltimore properties included in the Evans estate and advertisements from between 1901 and 1905 for the sale of the Paris properties at auction (one of the latter is a large newspaper clipping). The last file in the series holds bills and receipts of payment mostly from the City of Philadelphia to Catharine and other lawyers (1905-1909).

Administrative Information

University of Pennsylvania, Kislak Center for Special Collections, Rare Books and Manuscripts

2016 October 12

Finding aid prepared by Rive Cadwallader.

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Controlled Access Headings

CORPORATE NAME(S)

- Thomas W. Evans Museum and Institute Society.
- University of Pennsylvania. School of Dental Medicine.

FORM/GENRE(S)

- Clippings (information artifacts)
- Correspondence
- Estate records
- Financial records
- Legal documents
- Legal files

PERSONAL NAME(S)

- Evans, Thomas Wiltberger, 1823-1897
- Jones, J. Levering
- Kinsey, John L.

SUBJECT(S)

- Estates (Law)
- Law--History
- Lawyers--Pennsylvania--Philadelphia.

Collection Inventory

I. CORRESPONDENCE, 1898-1916, UNDATED.

	Box	Folder
1898-1905.	1	1
1906 February-June.	1	2
1906 July-August.	1	3
1906 September-December.	1	4
1907 January-March.	1	5
1907 April-August.	1	6
1907 September-October.	1	7
1907 November-December.	1	8
1908 January.	2	1
1908 February-March.	2	2
1908 April-May.	2	3
1908 June-July.	2	4
1908 August-September.	2	5
1908 October-December.	2	6

1909 January-April.	2	7
1909 May-December.	2	8
1910.	3	1
1911.	3	2
1912.	3	3
1913-1916, undated.	3	4
Empty envelopes addressed to Catharine, circa 1905-1906.	3	5
Calling cards, party invitations and notes, 1904, undated.	3	6
Invitation to the dedication of the University of Pennsylvania School of Dentistry, 1915.	3	7
Two photographs of Catharine, undated.	3	8

II. LEGAL NOTES AND DOCUMENTS, 1898-1915, UNDATED.

	Box	Folder
Letters and documents granting Catharine power of attorney for the City of Philadelphia, 1898-1907.	3	9
Letters and documents granting Pineau power of attorney for the City of Philadelphia, 1907.	3	10
Ordinance of Mayor Warwick authorizing Bodington to represent the City, 1898 July.	3	11

Copies of French legal documents sent to Mayor Weaver for use in court (majority in French), circa 1898-1906.	3	12
Evidence, exhibits "D" to "M", circa 1901-1906.	3	13
Evidence, exhibits "A2" to "Q2", circa 1898-1909.	3	14
Evidence, exhibits "B" and "L", 1904, 1906.	3	15
"Affidavits of the French Counsel", 1900 March 25.	4	1
Notices to the City of Philadelphia of legal actions taken by H. R. Evans, 1898-1899.	4	2
Notes on legal proceedings, 1904-1908, undated.	4	3
Legal precedents in French courts relevant to the Evans case, circa 1899.	4	4
Questions, and corresponding statements of opinion, 1898-1912, undated.	4	5
Formal suggestions for legal action, 1900-1906, undated.	4	6
Memoranda providing the facts and standing of the case, 1898-1905.	4	7
Memoranda of agreements between the Thomas W. Evans Museum and Institute Society and heirs, 1899, 1900.	4	8
Memoranda of agreements between executors and heirs, 1899-1907, bulk 1900.	4	9
Memoranda of agreements between the Thomas W. Evans Museum and Institute Society and executors, 1906-1908.	4	10
Memoranda of agreements between the Thomas W. Evans Museum and Institute Society and the University of Pennsylvania, 1912.	4	11
Memoranda of agreements between other interested parties and individuals,	4	12

1900-1915.

Copies of the will of Thomas W. Evans, 1900, undated.	4	13
Copy of the will of Rudolph H. Evans, 1901 January 15.	4	14
Newspaper clippings documenting the progression of the case, circa 1900-1910.	4	15

III. DOCUMENTS FILED IN COURT, 1897-1915, UNDATED.

	Box	Folder
Philadelphia Court of Common Pleas, Number 4, 1897 December.	5	1
Civil Tribunal of the Seine, Court of First Instance, First Chamber, Paris, 1897, 1898.	5	2
Orphans Court of Philadelphia County, 1898-1907, undated.	5	3
Supreme Court, County of New York, 1898-1912, undated.	5	4-5
The Circuit Court of the United States for the Southern District of New York, 1906, undated.	5	6
Supreme Court: Appellate Division, 1906-1907.	5	7
Philadelphia County, 1907-1911.	5	8
Unspecified New York courts, 1909, 1915.	5	9
Unspecified courts, 1898-1908, undated.	5	10

Unspecified courts; records concerning the Thomas W. Evans Museum and Institute Society and heirs, circa 1907 May-October.	5	11
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Legal documents signed in the presence of U.S. consuls, 1907-1909.	5	12
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IV. RECORDS OF THE THOMAS W. EVANS MUSEUM AND INSTITUTE SOCIETY, 1899-1931, UNDATED.

	Box	Folder
Pamphlets relating to the Thomas W. Evans Museum and Institute Society, 1899-1931.	5	13
Meeting minutes and internal documents of the Thomas W. Evans Museum and Institute Society, 1903-1912.	5	14
Report submitted by Dr. Kirk to the Thomas W. Evans Museum and Institute Society, 1909.	6	1
"The Evans Trust, and what it could do for the Profession" by W. Warrington Evans, undated.	6	2
Inventories of items left to the Thomas W. Evans Museum and Institute Society in Evans' will, 1901, 1908.	6	3

V. DOCUMENTS CONCERNING THE FINANCIAL ADMINISTRATION OF THE EVANS ESTATE, 1899-1909, UNDATED.

	Box	Folder
Financial records of assignments in distribution of Evans will, 1905, 1907,	6	4

undated.

Financial records pertaining to real estate holdings, 1899-1906, undated.

6

5

"Schedule A," providing descriptions of Evans estate properties located in the United States, undated.

6

6

Box

Folder

Advertisements for the sale by auction of Evans estate properties in Paris (majority in French), 1901, 1905.

6

1

7

Box

Folder

Lawyers' bills and receipts, 1905-1909.

6

8