

Part of these terms was that we should, either by an alteration in our charter, or in some other way satisfactory to his executor, bind ourselves and our successors to conform to and comply with certain express conditions under which we were to hold the said property and all other bequests and devises therein or thereafter given to us.

The general act of the Legislature approved the 7th of May, 1855, had provided that where letters patent had been granted by the proprietaries of the province of Pennsylvania, for a purpose where authority to grant charters was or might be vested in the court, it should be lawful for such court to alter, amend and improve the same, upon like proceeding and with like effect as if the original charter had been granted by the court.

And inasmuch as the third amendment to the Constitution of 1864 had provided that no bill should be passed by the Legislature granting any powers or privileges in any case where the authority to grant such powers or privileges had been, or might thereafter be, conferred upon the courts of this Commonwealth, we were advised by counsel that the right of the Legislature to directly amend our charter might be doubtful, but that the purposes of the testator's will might and would, more properly, be attained by an act authorizing us to accept his bequest, to act as trustee under his will, and, after such acceptance, to apply to the court, from time to time, for such amendments to our charter as might be necessary to this end.

Such an act to be presented to the Legislature was drafted accordingly, and sent, together with a copy of the said resolution of acceptance, to the complainant, who, on the 4th of January, 1870, acknowledged the receipt thereof, through his counsel, a copy of whose letter, marked Exhibit B, is annexed hereto as part of our answer.

