

endowed and is maintained as such from the said donations and the annual contributions of the members. And if it should be pretended that because there are persons called members who are authorized to vote on the selection of directors and officers of this Library, the institution ceases to be an institution of learning or charity, the complainants deny the pretense to be well founded, and charge that the whole scheme and design of the Library is to furnish books for the use of the community; and that this mode of creating a constituency to select the management of the Library is a matter of mere convenience, and one which, as such, generally prevails among other institutions which have also been judicially declared to be charities, the expenses of maintaining the institutions being obtained from endowments and contributions, and no profit of any pecuniary character being directly or indirectly obtained by the governors or members thereof.

And the complainant further avers, that any tax levied will result in nothing but diminishing the fund that is applied to increase and maintain the collection of books, and will not in any manner be paid out of any fund which any individual could lawfully apply to his own uses, and, therefore, the said institution is within the provision of the statute and is lawfully exempted from taxation.

And the complainant further avers, that even were the said act of 1874 held to be unconstitutional, yet that the official certificate of exemption, issued by the department of this municipality in whom exclusive control over such matters has been vested, cannot be impeached in any other manner than by an appeal to the Court of Common Pleas of the county, as provided in the said acts.

Wherefore the complainant needs equitable relief, as follows:—

1. That the rights of the parties may be ascertained in the premises, and that it may be declared that the complainant is