

are hereby exempted from all and every county, city, borough, road, and school tax, with a proviso that the exemption shall not extend to property not in actual use for the purposes specified, and from which any income or revenue is derived.

This is the legislation, constitutional and statutory, by which this case must be decided. The Constitution does not, of itself, exempt any property; it merely permits the legislature to do so within certain limits. The first question, therefore, is whether the complainant's case is within the act of 1874, and this we think so clear that it may be considered and dismissed briefly. The complainant is an "association or institution of learning." The educational influence of great libraries has been recognized by all civilized people in all ages. They have been the refuge and preservers of knowledge in the darkest times of ignorance and superstition; the source and rallying-point of awakened interest in philosophy and science, wherever the human mind has aroused itself to a new search for intellectual light; and the glory and pride of nations, in exact proportion as they have attained a higher plane of enlightened and progressive civilization. It is the concurrent and universal opinion of scholars that no single event in recorded history has been so great a misfortune to the interests of pure learning as the destruction of the Alexandrian Library.

The complainant was founded in 1731, by Benjamin Franklin, James Logan, and others, not only as an institution of learning, but undoubtedly as a charity, within the long-settled and clearly defined legal meaning of that term. In 1742, it was incorporated by letters patent from the proprietaries of Pennsylvania, who recited in their patent that the founders had, "at a great expense, purchased a large and valuable collection of useful books, in order to erect a library for the *advancement of knowledge and literature in the city of Philadelphia.*" This library subsequently

