

received the accession of the library of James Logan, in its time and for many years afterwards, the most valuable collection of books in America, and has, from time to time, been added to and endowed by gifts, bequests, and accumulations from various sources, including subscriptions and annual payments by members of the corporation. We do not think it admits of doubt that it is not only "an institution of learning," but that it is also "founded, endowed, and maintained by charity" within the meaning of the act of 1874.

But there remains the further and more important question, whether the act of 1874 is constitutional. It is conceded that the legislature cannot go outside of the class of cases in which the Constitution permits exemption from taxation; but it is to be remembered that the provision of the Constitution is not a *grant* of power to the legislature, which belongs elsewhere, and is therefore to be strictly construed as in derogation of the people's right. On the contrary, it is a *restriction* upon a legislative power which would otherwise be unlimited and unquestionable. It is a tying up of the legislative hand, and therefore to be construed in a liberal spirit to remedy the mischief at which it was aimed, and not further unnecessarily to fetter the proper governmental powers of the people's representatives.

The power of a court to set aside the legislative will is unknown except in American jurisprudence. The authority of an act of Parliament is supreme and unquestionable in the country from which we derive our laws and the fundamental principles of our political liberty, and in the early days of the Republic it was not without grave doubts and serious opposition that the judicial power was carried to this extent even here. And though it is now firmly settled that the courts are the ultimate interpreters of the Constitution, and that all acts or legislation which are forbidden by the Constitution are to be declared void, yet it is equally well settled that this power can only be ex-