

"thirtieth of December, 1870, of my having made any supposed to be disqualifying promise. The purchase in January, 1870, of the lot at Locust and Juniper Streets, with a view of erecting a library building thereon, in direct opposition to the provisions of the will, was also, it is charged, a withdrawal of their former acceptance."

The master is of opinion and reports that this ground of demurrer is not sustained.

He finds no evidence that the acceptance has been withdrawn.

The acceptance is argumentatorily said to have been withdrawn, because the plaintiffs elected (page 23 of the bill) on the 25th May, 1870, "not to allow their collection of books to be removed to the building to be erected by the defendant, if placed on the proposed site," they at that date having no knowledge, according to the *averments* of their bill, of the defendant having made the disqualifying promise. The averment, however, is distinctly made in XXIV. section, page 16, of the bill, that the plaintiffs had this knowledge at and before the twenty-ninth day of June, 1869. The argument, therefore, fails.

The purchase in January, 1870, of the lot at Locust and Juniper Streets, with a view to erecting a library thereon, is not necessarily "in direct opposition to the provision of the will, and a withdrawal of their former acceptance, as alleged in this head of demurrer."

Why it is not, is shown in the answer to the II. head of demurrer.

The IV. ground of demurrer, namely, "The complainants are not a charitable corporation, nor within the protection afforded to charities by Courts of Chancery," raises a question intrinsically of great interest, though perhaps not material to this cause in its present shape.

The charter of "The Library Company of Philadelphia," as amended by the Act of 23d February, 1870 (pages 2, 8, 9, of this report, page 145 of the Examiner's report), expressly authorizes

