

the complainants "to act as trustees for the Ridgway Branch of the Philadelphia Library, and the trusts pertaining thereto, under the last will and codicils of James Rush," "without limitation as to the yearly value or income of said trust estate." The point in question, involving the proper exercise of the preliminary trust reposed in the defendant, comes within the jurisdiction of the Court under one of the ordinary heads of its jurisdiction, viz., the care of trust-moneys and property. This point was earnestly argued by the able counsel of the defendant. The master, therefore, feels it his duty to express his opinion, and it is that this ground of demurrer is not well taken.

It is not necessary to go over the whole law of charitable trusts, and trace the history of the jurisdiction exercised over them by Courts of Equity.

It has come to be admitted that they constituted one of the original subjects of equitable action, and that the statute 43 of Elizabeth regulated and defined, but did not confer the jurisdiction.

Since equity has been established in Pennsylvania, before perhaps, (*Witman vs. Lex*, 17 S. & R., 88) a like jurisdiction has been assumed in her Courts, and the law of charitable uses has undergone a most thorough and learned investigation. Though the statute 43 Elizabeth was never formally adopted or enacted (*McGill vs. Brown*; *Sarah Zane's Will*, *Brightley's Rep.*, 347; *Vidal vs. The Mayor*; *Girard's Will*, 2 Howard, 127; *Price vs. Maxwell*, 4 Casey, 23), the course of her legislation has shown that her jurisprudence was at one with that which influenced parliament in the enactment of the 43d of Elizabeth; indeed, that her idea of charitable uses had, if anything, taken a more extended range. The 4th section of the Act 6th April, 1791, authorizes corporations formed for any *literary*, charitable, or religious purpose, to acquire lands, &c., to be disposed of according to the objects for which the corporations were formed, or of the will and intention of the donors (3 Smith's Laws, 31), and the Act of January 6, 1821 (*Purd.* 145), declares "no disposition of property hereafter made for