

“the building to be erected and all his property devised and  
 “bequeathed for the use of the Philadelphia Library, and  
 “the books purchased with the proceeds thereof, as ‘The  
 “Ridgway Branch of the Philadelphia Library.’”

At the stockholders' meeting a resolution had been presented in these words:—

“No. 5. *Resolved*, That the acceptance of the stockholders  
 “of the Library Company of Philadelphia, is upon the express provision that so much of the present collection of  
 “books and other property of the Company as may by the  
 “Directors be deemed expedient, shall be retained in the  
 “present or some other central position for general use and  
 “circulation.”

The committee of stockholders whose main recommendations were then indorsed by the majority, counseled the rejection of this resolution, because, as they alleged—

“If adopted, it *amounts to a rejection of the legacy*, and  
 “was, it seems, so intended.”

Subsequently, and before the filing of the bill, the complainants purchased a lot on Locust Street, for the erection of a library building, and, when they applied for such legislation as was necessary under Dr. Rush's will, they refused to accept any which would oblige them to use his library building as a place of deposit for their own books. The act of Assembly which was framed by them and passed at their instance, expressly enacts that their acceptance shall be “in such manner that *the real and personal property of*  
 “*the Company, including such books, pictures, statues, and*  
 “other works of literature and art as now are, or hereafter  
 “shall be, held by them in their own right, or in any other  
 “of [or] different trusts, *shall be in no wise affected thereby,*  
 “*but shall remain and be under their own entire and exclusive*  
 “*control and disposition.*”

The evidence as to the promise, on which the bill is