I.—The Appellee is a Purely Public Charity within the Provision of the Constitution.

Institutions such as this have invariably been held to be "charities, within the legal definition of that term."

Every one knows the difference between the legal and the popular definition of charity. According to the latter, it is charity to give to a beggar--it is none to add to the wealth of a rich hospital. According to the former, it is just the reverse.

And the extent to which the law supports charity is shown in that,

1. It sets aside in its favor the statutes of mortmain and the rule against perpetuities, and

2. It waives in its favor the sovereign right of taxation.

A charity was defined by Mr. Binney, in his celebrated argument in Vidal *vs.* Girard, 2 Howard, to be—

"Whatever is given for the love of God or for the love of your neighbor, in the catholic and universal sense; given from these motives and to these ends; free from the stain or taint of every consideration that is personal, private and selfish."

So Lord Camden, in Jones *vs.* Williams, Amb., 652, described a charity as "a gift to a general public use which extends to the poor as well as the rich."

So in Gerke *vs.* Purcell, 25 Ohio St., 243, it was said, "The meaning of the word 'charity,' in its legal sense, is different from the signification which it ordinarily bears. In its legal sense it includes not only gifts for the benefit of the poor, but endowments for the advancement of learning, or institutions for the encouragement of science and art, and, it is said, for any other useful and public purpose."