

"A doubt was expressed by one of the learned counsel," said Gray, J., in delivering the opinion, "whether this was a public charity. But the court can see no foundation for any doubt upon this subject. \* \* It is well settled, both in England and America, that in determining what uses are charitable within the statute of Elizabeth, courts are to be guided, not by its letter, but by its manifest spirit and reason, and are to consider, not what uses are within its words, but what are enclosed in its meaning and purpose. There are no better illustrations of this than in the cases of gifts to towns and cities and for the promotion of education and useful knowledge. \* \* The only modes of education enumerated in the statute are schools of learning, free schools and scholars in universities. But gifts for the promotion of science, learning and useful knowledge by other means than schools or colleges or direct instruction of pupils or students are equally public and charitable. \* \* Charities for the promotion of education and learning have not been confined in this Commonwealth within the words of the statute of Elizabeth. Chief Justice Shaw, in the case of Count Rumford's Legacy, said, 'That a gift designed to promote the public good, by the encouragement of learning, science and the useful arts, without any particular reference to the poor, is regarded as a charity, is settled by a series of judicial decisions and regarded as the settled practice of a court of equity; and held that a gift in trust to pay the income in rewards for discoveries and improvements on light and heat most useful to mankind was charitable; American Academy *vs.* Harvard College, 12 Gray, 551. In the case of the Lowell Institute, a bequest to provide for the delivery of public lectures in the city of Boston, upon philosophy, natural history, and the arts and sciences, for the promotion of the moral, intellectual and physical instruction and education of the inhabitants of the city, was held to

