Such, therefore, was the State legislation for nearly a quarter of a century before the New Constitution, and it demonstrates what the Court said, that "the primary intent of the Constitution was, not so much to limit the scope of exemption to charities, as to destroy the obnoxious feature of favoritism by special legislation."

Now, what is the test of a public charity?

It is, whether it is to any reasonable, practical extent, open to the *indefinite* public; and, conversely, that is not public which is restricted to classes which exclude the indefinite public. But, so long as the indefinite public, or certain parts of it, can share the benefit, almost everything else is immaterial.

Thus,

1. *Location* is immaterial. Fairmount Park is not the less public because the inhabitants of Philadelphia may use it more than the inhabitants of Erie. As the Court below said:

"The smallest street in the smallest village is a public highway of the Commonwealth, and none the less so because a vast majority of the citizens will certainly never derive any benefit from it. It is enough that they may do so when they choose."

The Supreme Court of Massachusetts affirmed a general principle when it decided that a library for "all the inhabitants of the town of Natick" was a public library, because any of the indefinite public that should become an inhabitant, could use it if he chose; Drury *vs.* Natick, 10 Allen (Mass.), 179, *supra*, page 10

One of the many charities at this day administered by the city through its Board of Trusts, is that called "The