

The Girard College charity is only for the benefit of children who are

1. Poor,
 2. White,
 3. Male,
 4. Orphans,
 5. Between the ages of six and ten years,
- and all outside of this category are excluded.

As the Court below said :—

“Thus Girard College excludes, by a single word, half the public by requiring that only *male* children shall be received; the great Pennsylvania Hospital closes its gates to all but *recent* injuries; yet no one questions that they are public charities in the widest and most exacting sense.”

So Girard's bequest for the purchase of fuel was limited to those who were

1. Poor,
2. White,
3. Housekeepers and roomkeepers,
4. Of good character,
5. Residing in the city of Philadelphia.

So of the Scottin legacy, the Paul Beck soup legacy, the Grover legacy, the George Emlen legacy, the Carter legacy, and many other charities at this day administered by the Board of City Trusts.

And the Constitution itself, by providing (Article X., section 1)—

“The General Assembly shall provide for the maintenance and support of a thorough and efficient system of public schools, wherein all the children of this Commonwealth, *above the age of six years*, may be educated, and shall appropriate at least one million dollars each year for the purpose,” recognizes the lawfulness of exclusion.

4. That there is a *class who pay* is immaterial.

In the branch of the contributors to the Pennsylvania

