

of nations, in exact proportion as they have attained a higher plane of enlightened and progressive civilization. It is the concurrent and universal opinion of scholars that no single event in recorded history has been so great a misfortune to the interests of pure learning as the destruction of the Alexandrine Library.

The complainant was founded in 1731, by Benjamin Franklin, James Logan, and others, not only as an institution of learning, but undoubtedly as a charity, within the long settled and clearly defined legal meaning of that term. In 1742, it was incorporated by Letters Patent from the proprietaries of Pennsylvania, who recited in their Patent that the founders had, "at a great expense, purchased a large and valuable collection of useful books, in order to erect a library for the *advancement of knowledge and literature in the City of Philadelphia.*" This library subsequently received the accession of the library of James Logan, in its time, and for many years afterwards, the most valuable collection of books in America, and has, from time to time, been added to and endowed by gifts, bequests, and accumulations from various sources, including subscriptions and annual payments by members of the corporation. We do not think it admits of doubt that it is not only an institution of learning, but that it is also founded, endowed, and maintained by charity within the meaning of the Act of 1874.

But there remains the further and more important question, whether the Act of 1874 is constitutional. It is conceded that the Legislature cannot go outside of the class of cases in which the Constitution permits exemption from taxation, but it is to be remembered that the provision of the Constitution is not a grant of power to the Legislature, which belongs elsewhere, and is therefore to be strictly construed as in derogation of the people's right. On the contrary, it