

The Supreme Court of the State, however, in a proceeding instituted by the collector of taxes, wisely regarding the real interests of the community, held that the Library Company, in its liberal organization and its utility to our citizens, was within the spirit of the constitution and thus capable of exemption. It must not, however, be overlooked that this is a privilege and not a right; and its continuance can only be expected from our justifying by our actions our right to be called a public institution.

Pending the protracted litigation over the will of Dr. Rush, and while its result was uncertain, the directors thought that it would be unwise to lose sight of the position in which the company would be placed should it prove in the end that they would have to retract their acceptance of the provisions of the will. And even if this were not the case, it was for the benefit of the public and the members that they should retain, in a more convenient and accessible part of the city, a working portion of their collections, as the act of Assembly permitted them to do.

For these reasons the committee on the fire-proof building appointed before Dr. Rush's death, was continued, with the object of acquiring under the resolution of May 3, 1869, a suitable lot. To determine the situation of the proposed purchase, was of the first importance, and to this much consideration was given. The conclusion arrived at was that the neighborhood of Broad and Walnut streets was even then the most convenient point for the majority of the members, and was likely to become more so in time. This conclusion was confirmed subsequently by a list made of the members and their residences, the practical result of which was exhibited in the form of a chart, which was used in 1872

