

pany to accept the trust and empowering them, after acceptance of the Act, to apply from time to time to the Court of Common Pleas for the City and County of Philadelphia, "for such further amendments to the charter of the company as may be necessary to carry into effect the conditions and provisions of the will and codicils in accordance with the directions of this Act," followed by an application to the Court of Common Pleas setting out the amendments required according to the terms of the will, approved by the court, is the same in effect as if the amendments had been each inserted in the Act of Assembly, and is a sufficient compliance with the provisions of the will.

Sub-divisions c, d, e, and f, of the second ground of demurrer, the Master thinks are not sustained. These several subdivisions are based on the same idea, viz.: that there is something in Dr. Rush's will which deprives the Library Company of its own property, and, therefore, makes inconsistent with the acceptance of the trust the provision of the Act of Assembly declaring that their own property shall remain "under their entire and exclusive control and disposition." The Master does not so read the will. He is of opinion that the Act of Assembly, so far as this is concerned, declares only what the law would have declared had nothing been said on the subject.

By the *will*, the building, when completed, is to be conveyed to the Library Company, "for the uses and purposes of their library, *and for no other use and purpose whatever*," "provided they bind themselves, either by an alteration in their charter, or in some other way satisfactory to the executor, not to permit lectures, &c., &c., on the lot of ground, or in the building, or the formation of any museum thereon or therein, or expend any of the funds derived from him in defraying the expenses of such therein or thereon. The accounts of the receipts and expenditures of the estates derived from him, are to be kept separate and distinct from all other accounts of "The Ridgway Branch of the Library Company of Philadelphia."

There is nothing in all this which assumes any control over the property of the Company.

