

the additions to their shelves; for I hope, (yet fearfully), that the streams flowing into the Library will be clear, pure, and deep, diffusing healthy, truthful, and valuable information throughout the community," ante page 35.

This view is supported by the language of Sir John Leach, vice Ch. in the case of *The Trustees of the British Museum vs. White*, 2 Sim. & St., 594.

This was a devise of a freehold estate to trustees to sell and pay the proceeds, together with his residuary personal estate, to the Trustees of the British Museum, to be by them employed for the benefit of that institution.

The devise was in the year 1826, of course subsequent to the Statute 9th Geo., 2 Ch. 36, which declared, that after the 27th of June, 1736, no manors, lands, &c., &c., or moneys for the purchase of such, should be given for any charitable use whatsoever, unless made by deed indented, sealed and delivered twelve calendar months at least, before the death of such donor or grantor." This Statute is not in force in Pennsylvania. *Le Lazure vs. Hillegas*, 7 S. & R., 321. *Church vs. Remigton*, 1 W., 224; *Miller vs. Lereh*, 1 Wall, Jr., 210.

Sir John Leach, V. C., in declaring the devise as to the real estate void, says: I understand that every gift for a public purpose, whether local or general, is within 9 Geo., 2 Ch., 36, although not a charitable use within the common and narrow sense of those words. The gift is to an institution established by the Legislature, for the collection and preservation of objects of science and of art, partly supported at the public expense, and partly from individual liberality, and intended for public improvement, consequently, I must declare this devise void as to the real estate." That is an authority in favor of the complainants on this point.

But the defendant refers to a clause in the first codicil of the will, as taking from this devise and bequest and from the Philadelphia Library Company, their charitable character, using the word probably in its restricted meaning. It is not said that it affects their literary character,

