

Then the rules (page 7 ante) provide the terms on which members may take books. The codicil says no new shares, "but the managers, by their by-laws, shall have the authority to allow any respectable person disposing an amount and paying an annual sum, to be fixed by the Board of Managers, to have the full and free use of the library as completely as if they were shareholders." The managers under the charter admit, at their discretion, new members. The managers under the codicil admit, at their discretion, persons to as complete a use of the library as if shareholders, the effect of the codicil being simply to limit the number of votes for managers, not to limit or restrict the number of those by whom the library is to be used. The number is indefinite and constantly changing, and is to go on forever, embracing a constant succession of objects, thus bringing it within the second of the two ways pointed out by Boyle, in which a testator may evince an intention of treating a bequest as charitable. "He may do this," says Boyle (Law of Charties, p. 37), "either by the use of terms and expressions which leave no doubt on the subject, and this occurs where the fund is sooner or later to be dissipated and lost by its entire distribution; or by directing such an application as would be inconsistent with the notion of a mere legacy, which is the case where the fund is to be of a permanent nature, embracing a constant succession of objects.

See Evangelical Association's Appeal, 11 Casey, 321, 322. The judgment of Judge STRONG. The doctrine there enunciated would make the devises and bequests, under Dr. Rush's will, charitable bequests, even if no trust was declared in favor of the Ridgway branch of the Philadelphia Library.

But to return to the defendant's authorities. *Thompson vs. Shakespeare*, (1 De Gex, Fisher & Jones, 406,) was the case of a will made subsequent to the Act of 9 Geo. 2, c. 36. A section of the will gave to trustees "the sum of 2,500 pounds, to be laid out by them as they shall think fit, with the concurrence of the masters of Shakespeare's house, already sanctioned by me, in forming a museum at the Shakespeare house, in

