

*Both averments of fact are admitted by the demurrer.* The only question of law involved upon these facts is the simple proposition :—

Can a trust be maintained in Pennsylvania for the propagation of atheism ?

It is no answer to say that this is a free country, and that our Constitutions allow all men to worship God according to the dictates of their own consciences. A congress of atheists may meet and may preach infidelity every day without fear of any disturbance from the law. To state these facts or to argue upon them, is to evade the true question. The point here presented involves no liberty of conscience, trenches on no right to worship or to abstain from worship. It rises far beyond all these considerations and presents the question :—

Will the law tolerate a trust for the foundation of infidelity ?

It will hardly be argued that a testator can endow a gambling house or a brothel. Yet neither of these could do the harm that would be accomplished by one infidel volume. The vices practised in or supported by such dens, are necessarily local and temporary in their influence. But a single copy of an atheistical work, enduring forever and spreading its baneful influence from generation to generation, is a far greater terror to the cause of good morals than a regiment of gamblers or an army of prostitutes.

It is quite true that Dr. Rush published these books in his lifetime, and there was no possibility of questioning his right to do so in any form and in any number. Why then, it is asked, has he not the power to direct their publication after his death ? Here a totally different question arises. No one doubts that any publisher may to-day publish an edition of 100,000 copies of Paine's "Age of Reason," and advertise it in every newspaper and hand a copy of it to every man on the