

"among us who reject Christianity, cannot possibly get clear of its influence, or reject those sentiments, customs and principles which it has spread among the people, so that, like the air we breathe, they have become the common stock of the whole country, and essential elements of its life.

In *Sparhawk vs. Union Passenger Railway Co.*, 4 P. F. Smith, 406 and 432, (1867,) *Updegraph vs. Comm.* is again affirmed.

The case of the appellants might safely rest upon these citations. But fortunately for this case and for the cause of morality, the whole question may be regarded as finally settled by the decision now about to be noticed.

In *Zeisweiss vs. James*, 13 P. F. Smith, 465, (1870,) Levi Nice devised all his property to his grand nieces for their lives and the life of the survivor, remainder to "The Infidel Society in Philadelphia, hereafter to be incorporated for the purpose of building a hall for the free discussion of religion, politics," etc.

The grand-nieces agreed to convey to defendant in fee simple; he rejected the title; the vendors brought suit upon the agreement; and the *nisi prius* gave judgment for the plaintiffs. The Opinion of the Supreme Court was delivered by SHARSWOOD, J., he said:—

"If we are to infer the nature and objects of the Corporation from the name, it means an association of infidels or unbelievers, for the purpose of propagating infidelity, or a denial of the doctrines and obligations of revealed religion. It must be so understood, according to the commonly received meaning of the term. Such an association, it would seem, could not be incorporated under any of the general laws of the Commonwealth. * * *

"The testator named the Infidel Society in Philadelphia, which might have been well enough, if there was such a society, though unincorporated, but he made it an essential

