"quality of the society thus selected, that it should be incor-
"porated. That, as we have seen, was a *potentia remota*,
"which made the devise over in remainder after the life
"estates, a void devise.

"There was no trustee then competent to exercise a discre-
"tion in the administration of the charity. Building a hall
"may be an object sufficiently definite, but the trust was not
"to end there. It is evidently a permanent, perpetual one.
"The hall when built, must be kept up and maintained.
"Some person or persons must regulate the free discussion
"in religion and politics, and determine what is to be included
"under the comprehensive et cetera. It is plain that no
"Court would ever undertake to administer such a charity, or
"to exercise discretion through a trustee or trustees appoint-
"ed by them. It is not a disposition of property 'for any
"religious, charitable, literary or scientific use' within the
"Act of April 26, 1855, Section 10; Pamphlet L., 331. If this
"course of reasoning be sound, it follows that this devise is
"void as a charity, and that the reversion, subject to the life
"estate, descended to Amanda James, the niece of the testator,
"and his heir-at-law, under the Intestate Act, and that a con-
"veyance by her and the life tenants will vest a good title in
"fee simple in their grantee. In placing the decision on this
"ground, however, it must not be understood that I mean to
"concede that a devise for such a purpose as was evidently
"contemplated by this testator, even if a competent trustee had
"been named, would be sustained as a valid charitable use in
"this State.

"These endowments originated in England, at a period
"when the religious sentiment was strong, and their tendency
"was to run into superstition. In modern times the danger
"is of the opposite extreme, of licentiousness. It is necessary
"that they should be carefully guarded from either and pre-
"served in that happy mean between both, which will most
"conduce to the true interests of society.