

"the orphans, who are to derive advantage from this bequest, free from the excitement which clashing doctrines and sectarian controversy are so apt to produce; my desire is that all the instructors and teachers in the College shall take pains to instil into the minds of the scholars the purest principles of morality, so that, on their entrance into active life, they may, from inclination and habit, evince benevolence towards their fellow creatures, and a love of truth, sobriety and industry, adopting at the same time such religious tenets as their matured reason may enable them to prefer."

The report does not state the fact that upon the first hearing, the Supreme Court of the United States was divided, and that a re-argument was ordered. In sustaining the Will JUDGE STORY remarked:—

"It is also said and truly that the Christian religion is a part of the Common Law of Pennsylvania. It is unnecessary for us, however, to consider what would be the legal effect of a devise in Pennsylvania for the establishment of a school or college for the propagation of Judaism or Deism, or any other form of infidelity. Such a case is not to be presumed to exist in a Christian country; and therefore it must be made out by clear and indisputable proof.

"But the objection itself assumes the proposition that Christianity is not to be taught, because ecclesiastics are not to be instructors or officers. But this is by no means a necessary or legitimate inference from the premises. Why may not laymen instruct in the general principles of Christianity as well as ecclesiastics?

"There is no restriction as to the religious opinions of the instructors and officers. They may be, and doubtless, under the auspices of the City government, they will always be, men not only distinguished for learning and talent, but for piety and elevated virtue, and holy lives and characters.

