

any religious, charitable, *literary*, or scientific use, shall fail for want of a trustee, &c."

Institutions which could be classified under either of those heads have been repeatedly held to be charitable institutions, and gifts to their use, or to be administered by them for any of those purposes, charities in the technical language of equity.

The most recent cases are Cresson's Appeal, 6 Casey, 450; The Evangelical Association's Appeal, 11 Casey, 316, and Miller vs. Porter, 3 P. F. Smith, 292. Among others, the following legacy was disputed in Cresson's Appeal: "I give and bequeath to the Pennsylvania University, at Philadelphia, the sum of five thousand dollars, to endow a professorship of the fine arts, so that the elements of drawing and sketching from nature may form part of the course of instruction of its alumni." Sustained as a charitable use.

In the Evangelical Association's Appeal, 11 Casey, 316, the bequests were to the "evangelical community or association." No trust was expressed. The association was unincorporated. It was objected that the bequests were void, "because they were made to an unincorporated association, and not upon any defined charity, or for any specified charitable use." The bequest was sustained because "the *purposes* of the organization were all such as the law denominates charitable."

In Miller vs. Porter, 3 P. F. Smith, 292, the will of John M. Porter was under consideration. He gave real and personal estate to trustees to found the "Porter University of Tarentum." It was *not* to be a free school. The trustees were expressly prohibited from putting the University under the charge, or administering it for the benefit of, any religious denomination, church, or sect; the persons to be taught were such as "may from time to time be determined on by the said corporation, and as the same may be set forth in their constitution, by-laws, and regulations." It was objected that this was not a charity, because the object was to perpetuate the name of Porter, and because there was no religious element in the trust, and because the tuition was not free. The Supreme Court over-

