

lots and the erection of a college or university, *with library-rooms, &c.*, to be located in or near Tarentum, together with my library, and \$6000 additional, to be expended in the purchase of useful books for the library, and it is my wish that the said college or university be known as the Porter University or College."

The school was *not* to be a free school. But the Court said, by Woodward, C. J. (page 301), "How is the Porter University to be distinguished and taken out of the line of our decisions? You say it was not founded to promote religion or religious education, but to immortalize the founder, and therefore it was not a charity. If the premises be granted, the conclusion does not follow, because, though it has no stamp of religion, and the selfishness of motive may take away from it the high and abstract quality of a Christian charity, *yet it was to be a seat of learning—a university—a centre from which the rays of educated intelligence were to radiate in all directions*; and if to found a school-house at the cross-roads of a township be a legal charity, though the selfish motive be apparent, much more to found such a university is a legal charity. And if a charity, within the legal sense of that word, then it is as much within the purview of the statute as the bequest to the West Town School, and *Price vs. Maxwell* rules the case.

"No matter that it was not to be a free school; it was to bring the opportunities of education nearer home to the people; and he who cheapens popular education or tempts a larger number into wisdom's way is a public benefactor, and what he does is, in the sense of the statute, a charity."

Numerous other authorities to the same effect will be found in 2 Perry on Trusts, section 700, and the principle of these decisions finally culminated in *Drury vs. Natick*, 10 Allen (Mass.), 179, wherein the question was expressly decided.