

tionable powers unwisely. *Wharton v. School Directors*, 6 Wright, 358; *S. P. Heard v. Directors*, 9 Wright, 93.

"Unless the executors act in bad faith in the exercise of discretionary powers given to them by will, a court of equity will not control them." *Chew v. Chew*, 4 Casey, 17.

In *Pulpress v. The Church*, 12 Wr. 210, trustees were ordered to use the income of an estate for propagating the gospel amongst the colored people of two cities. On the principle that charity begins at home, they appropriated it to the support of their own pastor. Judge Strong, in delivering the opinion of the court, said:—

"It is a discretion which the complainants cannot control, nor ought a court of equity to interfere with it, so long as it is honestly exercised. That would be to substitute the discretion of the court for that of those whose discretion was made the rule of application by the founder of the charity and to make the substitution without reason. It would destroy the trust rather than enforce it. The discretion to which the fund was committed may not have been most judiciously exercised, but it is not one of the conditions upon which the trustees hold that there shall be no mistake in judgment. If there were a positive transgression, or if the fund were continuously applied in such a manner as to lead to the conviction that the selfishness of the trustees rather than the design of the founder of the property had become the rule of appropriation, or if it were manifest that their honest discretion was not exercised, it might become the duty of the court to interfere."

It was in view of all that had been decided by the court of which he had been so illustrious a member, that Judge Strong advised Mr. Williams:—(a)

"A court of equity does not interfere with a discretion reposed, except in cases of clear abuse, where the court

(a) Examiner's Report, page 117.

