

So, too, a charity is none the less purely public because endowed by private means. The source of its support or continuance is immaterial, so long as the purpose is a public one.

Thomas *vs.* Ellmaker, 1 Parsons' Eq., 98.

2 Perry on Trusts, section 707.

The test is, are the benefits to be confined to the members themselves, or are they extended to that indefinite class, the public?

As to this, two of our own recent cases are in point:—

Swift *vs.* Easton Society, 23 P. F. Smith, 362, and

Bethlehem *vs.* Fire Co., 31 *id.*, 457.

In the former, a beneficial society, whose benefits were confined exclusively to its own members, was declared not to be a charity, inasmuch as "its benevolence begins and ends at home;" while in the latter, where a fire company was organized for "the protection of the property of our fellow-citizens from fire," the Court said, "its object was not for the private gain and profit of its members, but for the public benefit. It existed for no other or different purpose. The property which it acquired in aid of its object was, therefore, for charitable uses."

Hence, gifts to found institutions similar to the present have always been held to be gifts to charitable purposes.

Thus of a gift to the British Museum; Trustees *vs.* White, 2 Sim. & Stu., 594.

"This is an institution established by the legislature for the collection and preservation of objects of science and art, partly supplied at the public expense and partly from individual liberality, and intended for the public improvement," &c.—LEACH, V. C.

To establish a perpetual botanical garden for the public benefit; Townley *vs.* Bedwell, 6 Vesey, 194.