

this State, is firmly settled. While the statute of 43 Elizabeth is not in force, the principles which the English chancery has adopted on the subject obtain here, not by virtue of the statute but as part of our common law. The fact is that those principles were recognized and applied in England before the statute, which only introduced a new remedy. Hence, trusts for charities with us have always been upheld and enforced, no matter how uncertain were the objects, and though the effect evidently was to create a perpetuity."

The same doctrine will be found in the previous cases of *Wright vs. Linn*, 9 Barr, 433, and *Zimmerman vs. Anders*, 6 Watts and Serg., 218.

And by the act of 26th April, 1855 (P. L. 331, Purdon, 207, pl. 18), it is expressly provided that "No disposition of property hereafter made for any religious, charitable, literary or scientific use shall fail for want of a trustee," and the doctrine of *cy prés* is extended to such dispositions.

The same doctrine was again held in *Beaumont vs. Oliveira*, Law Rep., 6 Eq. Cas., 534, wherein the Royal Society and the Royal Geographical Society were declared to be charities. These societies were supported by voluntary contributions and by private gifts; neither schools nor teaching were conducted under their auspices, and the corporations had for their object the improvement "of natural knowledge and the improvement and diffusion of geographical knowledge."

Upon appeal this was affirmed, Lord Justice Selwyn saying, "The objects of both these societies are public, and they are both societies for the advancement of objects of general public utility; and the vice-chancellor has referred to the judgment of Sir John Leach, in *Attorney-General vs. Heelis* (2 Sim. & Stu., 67), in which he said, '*I am of the opinion that funds supplied from the gift of the Crown, or from the gift of the Legislature, or*

