

to be chosen by the trustees from any other parish of England or Wales, but the specified parishes to be preferred.

In 1848 the Rev. Wm. S. Robinson was rector of Dirham, the Rev. T. B. Coney, vicar of Puckle-church, and the Rev. L. B. Clutterback, rector of Doynton. On the 22d of February, 1848, one E. Gale, an inhabitant of Doynton, wrote and sent a letter of that date to the Rev. W. S. Robinson :

“REV. SIR:—I should feel obliged by your informing me if the donation bequeathed by the late Mr. Beloved Wilkes for the education of a lad belonging to either of the four parishes named in the aforesaid will, is applicable for the purpose of educating my son. If it should be applicable for him, I should thank you for your interest in electing him to receive the benefit thereof.
E. GALE.”

Mr. Gale received this reply :

“The Rev. Mr. Robinson informs Mr. Gale that he will take care to lay his letter before the trustees of the Wilkes Charity at their annual meeting ; but, speaking individually, Mr. R.’s opinion is, that Mr. Gale’s son will not be eligible. Dirham Rectory, March 14, 1848.”

On the 13th of June Mr. Robinson wrote again to Mr. Gale, referring to his former note, saying that Mr. Gale’s note had been laid before the trustees and considered by them, and concluding : “I am directed by them (*i. e.* the trustees) to inform you that the funds of Wilkes Charity are not at present applicable for the education of your son.”

Mr. Gale subsequently discovered that on the said 13th of June a lad named Charles Joyce was elected, and that he was not a native of or resident in any of the four parishes named in the testator’s will.

After some correspondence between Solicitors, a petition was filed by E. Gale and four other residents of the four parishes, setting forth the above facts and many others having relation to the petitioner’s son and the person appointed. The petition con-