

CHARITABLE TRUSTS

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(IN RE SCOWCROFT 1898 2 CHANCERY 638).

The question in this case was whether a will purporting to set up a trust "for the furtherance of conservative principles and religious and mental improvement" does in fact create a good charitable gift.

Rev. James Hamer Scowcroft by his will left to the Vicar for the time being, and his successors, a building, known as the Conservative Club and Village Reading-room, to be maintained "for the furtherance of conservative principles and religious and mental improvement and to be kept free from intoxicants and dancing." He also devised certain freehold land, half of the income from which was to be used for the maintenance of the aforesaid Club.

The case was decided by a single judge, Stirling J., who held that there was a good charitable gift. He construed the clause in question conjunctively, that is, he said that the gift was essentially for religious and mental improvement, good charitable purposes, but to be applied in accordance with conservative principles, which limitation was not sufficient to prevent the gifts being good. He also considered the gift from another point of view, namely, that being a gift of a building for the public benefit, it was charitable. It is certain, however, that had the gift been only for the furtherance of conservative principles, it would not have been upheld. (Hanbury, Modern Equity, 4th, p. 221).

It would appear in the light of later cases that this was a correct decision. Bennet, J. followed the same reasoning in *In re Hood*, and put the principle this way, that where the main object of the gift is out one of the means by which, in his opinion, that object could best be attained, the gift is none the less valid because the testator pointed to a particular method by which this advancement was to take place.

The Court of Appeal in the same case also followed the Scowcroft judgment. Lord Hanworth, Master of the Rolls, said that there was a plain intention indicated for the advancement of a certain charitable cause, here Christian principles, and it is allowable for a testator to indicate a particular method by which this advancement was to take place.

This Hood case was decided in 1931, and since that time, the principles of the Scowcroft decision have been applied, mentioned or affirmed, supporting my contention that it was correctly decided. Lord Davey particularly affirmed the principle, though without mentioning the case, in *Hunter v. Attorney-General*, 1899 A. C. 309.