

which they have been accustomed to interpret; and we think it has generally been found that men in the front rank of English jurists, such as Lord MacNaghten, who is the principal offender in the above matter, have succeeded in grasping the various systems of law, Indian and Colonial, as well as English, which have come before them as members of the Judicial Committee. Certainly it is of inestimable advantage to have a tribunal which is absolutely free from any legal influence, prejudice or colouring.

The facts of the case in question appear to have been as follows: Some of the leading Maoris, at a certain place in New Zealand, made a grant of 500 acres of land with a view to establish near their own houses a college, to be under the control of bishops of the Church of England. The land was to be given "not merely as a place for the bishop for the time being, but in continuation for those bishops who shall follow and fill up this place, to the end that religion or faith in Christ may grow, and that it may be as it were a shelter against uncertain storms—that is against the evils of the world." It seems that the Maoris have only some such limited title as our Indians have in their reserves, and in order to vest the title of the land in question fully in the donees it was necessary that a grant thereof should also be made by the Crown. This was, accordingly done in 1850. The land was cleared by the donees but the college was not built, and after some years, the natives in the neighbourhood having greatly diminished, it was deemed inadvisable to build it. The trustees then applied to the Court for the approval of a new scheme, whereupon the Solicitor-General, on behalf of the Crown in New Zealand, intervened in the suit and contended that the object of the grant having failed the land reverted to the Crown either absolutely or in trust, and that in the grant, neither of the Maori donors, nor of the Crown, was any general charitable trust declared. The Colonial Court of Appeal decided in favour of the Crown, that the grant had become void because it appeared that the Crown had been "deceived" in the grant (of which alleged deception there was no evidence) and because the trust had come to an end.

It is almost unnecessary to say that the Judicial Committee had no hesitation in reversing so untenable a decision and one so contrary to the most elementary principles of the law governing charitable trusts. That the Colonial Court should have so flagrantly erred in its decision was extraordinary, and the Com-