

the best examination in subjects to be determined from time to time by the duly appointed examiners. The trustees announced an examination for 1894, which was held by a duly appointed examiner, and the plaintiff was the successful candidate. The announcement contained no offer or statement that the scholarship would be awarded to the pupil who passed the best examination. The trustees declined to award the scholarship, and the present action was to compel them to do so, and it became necessary for Chity, J., to determine whether the plaintiff's action was founded on contract, or whether it was merely an action to administer a charitable trust, as in the latter case the consent of the Charity Commissioners was necessary to the maintenance of the action. He decided that there was no contract.

FRIENDLY SOCIETY—DISSOLUTION OF SOCIETY BY DEATH OF MEMBERS—UNEXPENDED FUNDS OF EXTINCT FRIENDLY SOCIETY—CY-PRÉS—RESULTING TRUST.

*Cunnack v. Edwards*, (1895) 1 Ch. 489; 13 R. April 205, was an action to determine who was entitled to the surplus funds of an extinct friendly society, which had been formed for the purpose of providing annuities for the widows of its deceased members. One Edwards became an ordinary member in 1848, and remained a member until 1878, when he died a widower. He was the last surviving ordinary member. The last honorary member, who on joining had disclaimed all benefit of the society for his widow, died in 1879, and the last annuitant died in 1892, and a sum of £1,250 remained unexpended. The representatives of Edwards claimed this money, and the action was brought by the trustees of the fund to obtain the declaration of the court. The Attorney-General claimed that the fund was a charitable fund, and should be administered *cy-prés*, but this claim was disallowed by Chitty, J. The contest was then between the representatives of Edwards and the representatives of the other deceased ordinary members of the society, and Chitty, J., held that there was a resulting trust of the surplus in favour of those who had been ordinary members, and that it was distributable among their representatives in the proportions respectively contributed by them, and, as there were several hundreds of these members, the chances seem to be that any effort to administer the fund would simply result in its entire consumption in costs.