

In *Briggs v. Hartley*, Sir Lancelot Shadwell held that a legacy for the best essay on "Natural Theology," treating it as a science, and demonstrating its adequacy, when so treated, to constitute a true, perfect, and philosophical system of universal religion, was void as being inconsistent with Christianity. The Vice-Chancellor's decision was in these few words: "I cannot conceive that the bequest in the testator's will is at all consistent with Christianity, and therefore it must fail." "Not much of a judgment, that," remarked Mr. Justice Joyce when it was read to him. True, possibly; yet Mr. Justice Joyce himself brushed aside the elaborate arguments of Mr. (now Sir George) Cave, *tout court*, thus: "I do not find in the memorandum or articles of association anything subversive of morality, or contrary to law, or contravening the provisions of any statute." In the Court of Appeal, the Master of the Rolls and Lord Justice Pickford treated *Briggs v. Hartley* as a decision which ought not now to be followed, the latter attributing it to the doctrine as to public policy prevailing in 1850. Lord Justice Warrington, in his concurring judgment, did not deal with *Briggs v. Hartley*. According to the Lord Chancellor, the Court of Appeal had no sufficient ground for overruling *Briggs v. Hartley*. It must now be taken to be deprived of authority by the majority of the House, for, as Lord Parker pointed out, the trust there was clearly a good charity unless it could be held contrary to the policy of the law. Lord Dunedin also considers it clearly inconsistent with the opinions of the judges advising the House in the case of Lady Hewley's charities (*Shore v. Wilson*, 9 Cl. & F. 355, 459).

*Cowan v. Milbourn*, which the majority of the House, affirming the courts below, has declined to follow, was so strong a decision that, as the Master of the Rolls said, if it were still good law, the society could not claim the legacy. The Court of Exchequer, consisting of Lord Chief Baron Kelly and Barons Martin and Bramwell, there decided (on appeal from the Liverpool Court of Passage) that lectures maintaining that the character of Christ is defective and His teaching misleading, and that the Bible is no more inspired than any other book, involved illegality, with the result that the defendant was justified in refusing to perform