

When property is set apart for public or charitable uses, it will be a malversation to apply any of the funds for

Parsiana

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of the trust. Those who have all the benefits they thus, it must be left to the discretion of it. But when the for charity is the rendering

of some convenience or service of such a nature that it will not hurt the lawful recipients if others share with them, **their lordships are aware of no case in which it has been held that the trustees are bound to exclude persons who have no legal title to share.** They may do so; they may treat all such persons as trespassers and say: *Sic vola sic jubeo, stet pro ratione uolunta.* Thus I will thus I command, let it stand. But if they choose to admit to the benefit of some park or garden established for a particular district some persons from over the border or to admit to a public library destined for a particular municipality persons from outside, or what is perhaps a nearer analogy, admit to the hearing of a lecture by a university professor of the university, this is not a ground of complaint. If the number of persons are disorderly or in any way substantially inconvenient or benefit of the trust was created, the trustee may exclude them. But the mere claim of a person to be included in such a benefit because B is not within the terms of



Justice Rohinton Nariman (left) and Darius Khambata

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