

## The James Peek Trust

### History

MR. JAMES PEEK, of Watcombe, near Torquay, Devon, having determined to make some permanent and perpetual provision, through the medium of Trustees, for the support and assistance, first, of such of his kindred as should be descended from him and who should be in need thereof, and, secondly, of such of his kindred as should be descended from his late father, JOHN PEEK, Esq., of HAZELWOOD, Loddiswell, Devon, caused an Indenture to be executed on 8 April 1874 by way of Declaration of Trusts affecting certain funds to be placed at the disposal of Trustees nominated for the purpose of carrying out his wishes as referred to above. On 26 September 1878 Mr James Peek caused a further Declaration of Trust to be executed by way of Deed Poll affecting certain additional funds to be devoted to the same purposes.

Eighteen Trustees were nominated by the first Deed, of whom fourteen accepted the Trusts and four declined to act. The accepting Trustees entered upon their duties and continued to execute the Trusts until the year 1883, their first meeting being held on 6 July 1875 at No.20 Eastcheap, City, London, under the chairmanship of Mr William Peek of Devonport. Mr James Peek died on 23 January 1879.

Some time later doubts arose regarding the validity of the original Trust Deed, and a special meeting of the Trustees was convened on 7th March 1883 to discuss the situation. At this Mr William Peek of London stated that he had consulted Mr Macnaghten, Q.C., who categorically affirmed that 'the Deed in question cannot be regarded in any respect as a valid Charity'. The Managing Trustee, Mr James Trehane, stated that he also had taken the opinion of eminent counsel, Mr Graham Hastings, Q.C., who had expressed exactly the opposite view, that is, that both the Deed and the Trusts were not partially or to any extent invalid.

The position was further complicated as a result of Mr James Peek's death and the situation arising therefrom in respect of the interests of his executors and residuary legatees vis-a-vis the Trusts. Because of this and the conflicting opinions of counsel the meeting decided to take further legal opinion, and Mr W. C. Fooks, Q.C., was consulted. His advice was that, although he himself did not doubt the validity of the original Deed as having created a good Charitable Trust, it would be best for the Trustees to place the matter in the hands of the Charity Commissioners. Consideration should be given to the possibility that additional regulations might be required, and in his opinion the best step to take would be to obtain a Certificate of Incorporation from the Commissioners under the Charitable Trusts Incorporation Act of 1872. There was also the question of the liability of individual Trustees if the whole or part of the original Trust Deed were to be deemed invalid.

Application was therefore made to the Charity Commissioners, and they replied that, although they could not express any opinion as to the Trust as then constituted, the Trustees might wish to consider applying to the Board for a Scheme to be set up under the Charitable Trusts Act of 1860. This the Trustees decided to do, and formal application was made to the Board on 18 July 1883. On 17 March 1885 the Scheme was established, all stocks, funds and securities being transferred to the Official Trustees of Charitable Funds and a new Board of Trustees appointed. The number of Trustees was hereinafter to be eleven.

The Trustees and officers of the Trust from the execution of the original Trust Deed in 1874 to date are shown against individuals' entries on the web site. They all are, or have been, descendants of the late Mr John Peek of Hazelwood, the Founder's father, or related by marriage to such descendants.

### **The Current Trust**

The trust is still in existence as a registered charity. Its current objectives remain in line with those of its founder “The object of the charity is to provide first and foremost for the support and assistance of the descendants of James Peek, secondly for the support and assistance of any of his relatives who shall be descended from his father, John Peek and, thirdly, for others who may be in need.” Further details can be found on [the Charity Commission web site.](#)