The beneficiaries are, I consider, sufficiently designated and come within the meaning of the above 6th clause of the Act of 1902. And if so, the gifts being charitable gifts, the rule against perpetuities does not apply to them. In Goodman v. Mayor of Saltash, 7 App. Cas. at p. 642, Lord Selborne, L.C., said: "A gift subject to a condition or trust for the benefit of the inhabitants of a parish or town, or any particular class of such inhabitants (as I understand the law), is a charitable trust; and no charitable trust can be void on the ground of perpetuity." See also Attorney-General v. Comber, 2 S. & S. 93; Attorney-General v. Clarke, Amb. 422.

Then, dealing with the second question submitted, as to whether the devises and bequests are invalid by reason of the provisions of the Mortmain and Charitable Uses Act, 1902, the testator having died less than six months after the making of the said will and codicil.

The Act relating to Mortmain and Charitable Uses, R. S. O. 1897 ch. 112, sec. 4, provides that "land may be devised by will to or for the benefit of any charitable use," etc.

There is nothing in this Act making a devise of land in favour of a charity invalid unless the will was executed not less than six months before the death of the testator.

By the Mortmain Act of 1902 (2 Edw. VII. ch. 2) it is provided (sec. 1) that the Act shall be read as part of the Mortmain and Charitable Uses Act, R. S. O. ch. 112. And by sec. 2, sub-sec. 1, of the former Act "assurance" includes a devise, bequest, and every other assurance by deed, will, or other instrument.

And sec. 7 (1) provides that "subject to the provisions of the Revised Statutes, chapter 112, and to the savings and exceptions contained in this Act. . . . every assurance of land to, or for the benefit of, any charitable uses, and every assurance of personal estate to be laid out in the purchase of land, to, or for the benefit of, any charitable uses, shall be made in accordance with the requirements of this Act, and unless so made shall be void."

Counsel for the heirs at law of the testator relied on sub-sec. 6 as rendering invalid the devises and bequests in favour of the charities by reason of the testator having died within six months of the making of the will. That sub-section reads as follows:

"If the assurance is of land, or of personal estate, not being stock in the public funds, then, unless it is made in good faith for full and valuable consideration, it must be made at least six months before the death of the assurer, in-