

given as follows: "I give and bequeath the sum of one thousand dollars to be paid by my said executor to the Aged and Infirm Ministers Fund in connection with Saint Stephen's Presbyterian Church in the city of Saint John." This legacy is claimed by the defendants "Saint Stephen's Church in the city of Saint John," the corporate name of that Church as fixed by 61 Vic. c. 74 (1898). It is also claimed by the defendants "The Board of Trustees of the Presbyterian Church in Canada eastern section," a corporation created by 7 Ed. VII. c. 79 (1907). These two defendants also claim that if neither of them is able by reason of the uncertainty of the devise to establish a right to be paid the legacy, it is a charitable bequest which would not be allowed to fail for want of a trustee, and that it would be administered by this Court for the benefit of the fund mentioned. The defendants "The Natural History Society of New Brunswick" a corporation created by 46 Vic. c. 29 (1883), claim not only that the other defendants are not entitled and that the bequest is not a charitable gift, but that it is void for uncertainty and becomes a part of the residuary estate which in that case both the defendants, the Natural History Society and the Saint Stephen's Church claim as residuary legatees notwithstanding the difference between their corporate names and their names as designated in the residuary devise. This bill has been filed for a declaration of the parties rights.

The evidence shews there is not now and there never has been any Aged and Infirm Ministers Fund in connection with St. Stephen's Presbyterian Church in the sense of a fund for the benefit of the ministers of that Church, or of a fund of that character administered by that church or under its control. There has however been a fund connected with the Presbyterian Church in Canada known as the Aged and Infirm Ministers Fund in which all the ministers of that Church, including the ministers of St. Stephen's Church, have a right to participate subject to the rules and regulations made for its management. There are various branches of church work organized and maintained by these various Presbyterian Churches, and among them is the maintenance of this fund for aged and infirm ministers. Collections in the various congregations are taken up during the year, and each contributor may, if he wishes, designate the particular scheme of work to which he wishes his offering