

The material parts of the will were as follows: "I bequeath all that my heavenly father has given me to that Presbyterian congregation where I belong to and had my first communion, Churchtown, or better known by the name of Tamlight O'Crilly, Co. Derry, Ireland. The presiding clergyman, committee, and elders to have full control of all after me. They shall have the power to sell or rent to the best advantage while grass grow or water runs. . . . The minister and committee and ruling elders shall give me a decent funeral monument not to exceed £100 sterling, and then the widow and the orphan and neglected children to be seen after by the minister, committee, and ruling elders, having succeeding authority to remember the poor of the church at Christmass every year. . . ."

The codicil was as follows: "I will appoint Fredrick Herbert Thompson and Abrem Dent. . . the exeters and trustees of my last will above ritten and I hereby vest all my property in them as trustees for the purposes mentioned in said will."

Two questions were presented: (1) Whether the beneficiaries named in the will and codicil were sufficiently designated or definite. (2) Whether the devises and bequests were invalid under the Mortmain and Charitable Uses Act, 1902—the testator having died less than six months after the making of the said will and codicil.

H. W. Mickle, for the executors.

E. D. Armour, K.C., for the Presbyterian congregation of Tamlight O'Crilly.

A. W. Holmested, for the next of kin of the testator.

MACMAHON, J.—The general charitable intent of the testator is manifest from the whole tenor of the will. The devises and bequests in the will are to the members of the Presbyterian congregation, those particularly designated as beneficiaries being "the widows and neglected children and the poor," and the minister, the committee and elders of the church being the almoners named in the will for the purpose of carrying the testator's charitable design into effect.

The Mortmain and Charitable Uses Act, 2 Edw. VII. ch. 2, sec. 6, provides that "the following shall be deemed to be valid charitable uses within the meaning of this Act, viz., the relief of aged, impotent, and poor people . . . the support, aid, and help of persons in poor circumstances . . . and any other purposes similar to those hereinbefore mentioned."