

A.'s death the capital should be divided among A.'s children in certain shares.—The testator further directed that in the event of A. dying while any of his children should be under the age of twenty-five years, the income of the fund should be paid to their mother while such children respectively should be under that age "for the maintenance and education of such child or children respectively while he or she shall be under that age."—By a codicil the testator revoked the "legacy and annuity" to A.—*Held*, that the gift to the children was not revoked but accelerated and vested on the testator's death, and that the share of each child in the capital was payable on his attaining the age of twenty-five years. *Lewin v. Lewin*, 2 Eq., p. 477.

**Uncertainty of bequest**—A testator by will provided for a bequest of money to the defendants, to be paid yearly or at such times as his executor should think advisable, but omitted to fill in the amount.—In the same paragraph of the will it was then declared that "when Home Missions were considered more needy, an amount might be given to it, or to any such good and benevolent Christian objects as the executor should consider most deserving.—The will then directed the executor to sell a part of the testator's real and personal estate, "and the proceeds to be placed so as to be conveniently drawn to assist in aiding good and worthy objects."—*Held*, that the gift of an unnamed amount of money to the defendants was void, and that the gift in the rest of the will was not a gift to charitable but to benevolent uses, and failed for uncertainty. *Brester v. Foreign Mission Board*, 2 Eq., p. 172.

Bequest of testator's residuary estate to trustees "to be used for benevolent purposes any way they shall see fit" is void for uncertainty and the property comprised in such bequest is the property of such person or persons as would have been entitled had the testator died intestate. *Lawrence v. Lawrence*, 42, p. 260, C. D.

Catherine Murdoch died October 26th, 1909, leaving a will dated November 27th, 1905.—The following legacy is found in the will: "I give and bequeath the sum of one thousand dollars to be paid by said executor to the Aged and Infirm Minister's Fund in connection with Saint Stephen's Presbyterian Church in the city of Saint John."—The defendant, The Board of Trustees of the Presbyterian Church in Canada, Eastern Section, is a corporation created for the purpose of taking in trust any property which may be conveyed or bequeathed or intended for the use of the said Church or any scheme or trust, not incorporated, in connection therewith.—The Presbyterian Church in Canada maintains a fund which is not incorporated, known as the Aged and Infirm Minister's Fund, in connection with the Presbyterian Church in Canada, and in

this fund the ministers of Saint Stephen's Church are entitled to participate.—There is no separate fund in connection with Saint Stephen's Church.—*Held*, that the bequest does not fail for uncertainty, as the intention of the testator is easily ascertained; and that it should be paid to the defendant, The Board of Trustees of the Presbyterian Church in Canada, Eastern Section, for the Aged and Infirm Ministers' Fund in connection with the Presbyterian Church in Canada. *Jones Exec. v. Saint Stephen's Church et al.*, 4 Eq., p. 316.

Quaere: Whether a bequest of this nature to a fund conducted on business principles, assessments etc., is a charitable bequest. *Id.*

**Uncertainty—Evidence to establish intended beneficiary**—A bequest will not fail for uncertainty, if the Court can arrive at a reasonable degree of certainty, as to the person intended to be benefitted.—Following this principle, where money was bequeathed to the "Episcopal Denomination of Queens County . . . to be used by them for Home and Foreign Missions" and it appeared that the Diocesan Synod of Fredericton managed and carried on the home and foreign missionary work of the Church of England in the Province of New Brunswick, it was held that the testator meant the Church of England, and it was ordered that the money be paid to its representative, the Diocesan Synod of Fredericton.—And likewise, where money was bequeathed to the "Methodist Denomination of Queens County . . . to be used by them for Home and Foreign Missions" and it appeared that the various Methodist Churches throughout Canada had been incorporated into one Church called the Methodist Church, which body controlled all missionary funds and made an allotment therefrom for Queens County, it was held that the testator meant the Methodist Church and it was ordered that the money be paid over to the corporate body of that name.—And likewise, where money was bequeathed to the "Deaf and Dumb Society of New Brunswick" and it appeared that there never was a Society of that name, and the only institution in New Brunswick of that nature was the New Brunswick School for the Deaf it was held that the bequest was good and it was ordered that the money to be paid to the New Brunswick School for the Deaf.—Where money was bequeathed to a religious body "to be used by them for Home and Foreign Missions in Queens County as seems best to them," and it was claimed that as there was no foreign missions in Queens County the bequest must fail, it was held that the testator meant the money to be used for home or foreign missions.—Where money was bequeathed to the Free Baptist General Conference of New Brunswick, and it appeared that after the making of the will and before the death of the testator, the Baptist Churches in the Province, forming constituent parts of the Eastern,