

HIGH COURT DIVISION.

FALCONBRIDGE, C.J.K.B.

APRIL 2ND, 1917.

RE SCHERMEHORN.

*Will—Construction—Charitable Bequest—Discretion of Executors—
Proper Objects of Charity—Children's Aid Society—County
House of Refuge.*

Motion by the executors of the will of Reuben Daniel Schermehorn, deceased, for an order determining certain questions arising upon the will as to the distribution of the estate.

There were many bequests in the will. The residue of the estate was devised and bequeathed to the executors in trust to be by them applied to such charitable purpose or purposes as they might deem wise and proper, "and for the purpose or purposes aforesaid I direct that the erection and maintenance of a poor-house or house of refuge or similar institution or institutions in and for the County of Lennox and Addington, or that a gift to the Kingston General Hospital, may, if they in their judgment so decide, be considered and deemed by my executors a charitable object or purpose. . . . To better enable my said executors to select the proper charitable purpose or purposes as aforesaid I allow them a period of three years after my decease to select and decide upon such charitable object. . . . I also hereby direct that any donation or gift by my said executors for patriotic purposes or for the benefit of the Belgians or for the benefit of other branches or classes of the contestants on the Allied side . . . is to be considered as a charitable object or purpose."

The motion was heard at the Napanee sittings for trials.

W. A. Grange, for the executors.

T. B. German, for the Children's Aid Society of the County of Lennox and Addington.

J. E. Madden, for T. A. Martin.

W. G. Wilson, for the Corporation of the County of Lennox and Addington.

D. H. Preston, K.C., for the Official Guardian.

FALCONBRIDGE, C.J.K.B., at the hearing, answered in the affirmative a number of questions relating to payments made or proposed to be made by the executors; and reserved judgment as to questions 3 and 4.