

tions arising upon clause 6 of the will of Richard James Wright, deceased.

The motion was heard at the non-jury sittings at Napanee, as in Weekly Court.

W. S. Herrington, K.C., for the applicants.

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

T. B. German, for the executors.

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

CLUTE, J., in a written judgment, said that clause 6 contained a devise of a house and lot in Napanee, after the death of the testator's wife, "to the Municipal Council of the Corporation of the Town of Napanee in trust to be applied in providing a home for aged women, and to best carry out the said purpose the said . . . council . . . if they deem it wise, are to have the privilege of selling and converting the said property into money and in that form apply it to the said purpose in such way as they think best, and the said . . . council to select the particular aged women who are to receive the benefits of such home."

There is no house of refuge nor home of any kind for aged people in the county of Lennox and Addington; and the trust fund (\$3,203.03) is said to be inadequate for the purpose of building a suitable home. The town council, on the 5th March, 1917, resolved to turn the trust fund over to the Corporation of the County of Lennox and Addington to be applied for the purpose of aiding in the erection of a house of refuge in the county.

The county corporation had received another considerable gift for the erection of a house of refuge in the county, and the county council was willing to accept the trust fund for that purpose. All parties represented upon the motion were in favour of transferring the fund to the county corporation accordingly.

The learned Judge was of opinion that the course suggested was the best that could be taken to effect the object of the testator, and that the town corporation had power, both under the terms of his will and applying the doctrine of *cy près*, to follow that course.

The questions submitted should be answered in the affirmative with one modification, *viz.*, an arrangement may (if it can) be made with the county corporation to erect a ward or section for aged women in a house of refuge to be erected by the county corporation.

As to the selection of the aged women who are to receive the