

FIRST DIVISIONAL COURT.

NOVEMBER 12TH, 1917.

*RE ORR.

Will—Validity of Bequests—Charitable Bequests—Mortmain and Charitable Uses Act, R.S.O. 1914 ch. 103, sec. 2(2)—Advancement of Religion—Christian Science Church—Public Policy—Perpetuities—Benefit to Community—“Uplift of Needy”—Uncertain Bequest — Invalidity — “Deserving People” — Residuary Bequest—Trust—Validity—“For God only”—Invalid Bequest Falling into Residue—Administration of Fund by Court—Reference to Propound Scheme—Costs.

Appeal by the Church of Christ, Scientist, and the persons claiming under those provisions of the will of the testatrix which had been declared to be invalid, against that part of the judgment of SUTHERLAND, J., which so declared; and appeal by Mary Cameron, claiming as next of kin of Mary Helen Orr, deceased, against the judgment in so far as it declared to be valid a bequest of \$10,000 to the Mother Church, Boston, “to be used for spreading the truth,” a bequest of \$10,000 towards the encouragement of building Christian Science churches, and a bequest for the benefit of those who are endeavouring to “uplift the needy in Chicago.” The judgment of SUTHERLAND, J., is noted in 12 O.W.N. 220.

The appeals were heard by MEREDITH, C.J.O., MACLAREN and MAGEE, J.J.A., LENNOX, J., and FERGUSON, J.A.

I. F. Hellmuth, K.C., and E. C. Cattanaach, for the appellants in the main appeal.

R. J. McLaughlin, K.C., and T. H. Stinson, for Mary Cameron and the Corporation of the Town of Bobcaygeon.

J. A. Paterson, K.C., for the next of kin of the father of the testatrix.

Daniel O’Connell, for the next of kin of the mother of the testatrix.

E. D. Armour, K.C., for the Official Guardian.

T. Stewart, for the executors and trustees.

MEREDITH, C.J.O., read a judgment in which he set forth the provisions of the will and stated the contentions which were made upon the appeal. The bequests were the following:—

(1) The Mother Church, Boston, \$10,000 to be used in spreading the truth.