

superannuation principles, and they (i.e., the ministers) contribute among themselves and the congregation, and well-disposed people help the funds as well. It is purely for the purpose of aged and infirm ministers on an insurance basis, complying with the rules of the church." The scheme serves the same purpose for the ministers of the Presbyterian Church that the Civil Service Superannuation Act does for the civil service officials, and the similar organizations maintained in connection with the larger banking institutions of the present day do for their officers and clerks. Whether this legacy could under these circumstances be regarded as a charitable bequest even under the legal definition of that term, I shall not stop to consider for I think the case may be disposed of on another ground.

The evidence shews that the testatrix was a member of the congregation of St. Stephen's Church, and always a regular and generous contributor to all these schemes of church work, not forgetting them even when abroad, but sending her gifts when absent from home. That she in fact intended this particular fund to benefit by the legacy there cannot I think be any doubt. Has she expressed that intention with sufficient clearness to give it effect? For there is ample authority for holding that a devise will not fail for uncertainty if the Court can arrive at a reasonable degree of certainty as to the person intended to be benefited (*Adams v. Jones*, 9 Hare 485; *Tyrrell v. Senior*, 20 Ont. App. 156). When you find that the fund referred to is a fund for the Aged and Infirm Ministers Fund in connection with St. Stephen's Presbyterian Church in the city of Saint John, and that the fund in question is the only fund of the kind with which St. Stephen's Church has any connection, and that the connection is of the substantial character I have described and the same as that of all the Presbyterian Churches in Canada, there is no difficulty in fixing on this fund as the one intended to be benefited by the testatrix. The fact that she had contributed generously and regularly to its support during her life time is not necessary for the conclusion as to her intention though it supports it. To whom then is the legacy to be paid? There is no legatee named as in the case of the other legacies. "I give and bequeath the sum of \$1,000 to be paid by my said executor to the Aged and Infirm Ministers Fund," &c. The language is very similar to that in *Lockhart v. Ray*, 20 N. B. R. 129, which was as fol-