

This historic book may have numerous typos and missing text. Purchasers can download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1884 Excerpt: ...agreed as to what becomes of the residue if this be so held, but that question is not now before me. It has been held here, and for the purposes of this case I adopt that holding, that the English rule of law which prohibits, the bequest of money to superstitious uses has no application in this country. It has also been assumed, on all hands, in the course of this argument, and for the purposes of this case I assume it also that because the English Court of Chancery departs from its ordinary rules where charitable bequests are concerned, and undertakes to see them carried into execution however indefinite they may be, this Court should do the same under similar circumstances. Notwithstanding these wide assumptions however in favor of the bequest, I still think that part of it which appropriates the residue to giving alms for the testators spiritual benefit Ought not to be considered valid. This is not a purely charitable bequest. The ultimate object of the bequest is the testators own spiritual benefit. If, therefore, the bequest were to be held valid, this Court, in performing its duty of superintending the administration of the trust, would have to try every application or proposed application of the funds by two distinct tests. It would have to ascertain, first, whether it was a giving of alms, and secondly, if it was such a giving of alms as would be Judah for the testators spiritual benefit in accordance with the doctrines of the Jewish religion. We have, therefore, a vague bequest, with a vague restriction upon it. Whether or no, if this Court were to make the attempt, it could ascertain what giving of alms would, and what giving of alms would not, be for the test...

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