

appointed, it may be persuasively argued that the testator was aware of the condition of his estate, and contemplated that some five years would elapse from his death before the lands were to be taken out of the hands of the executors—they holding them under the trust to satisfy, first, the secured creditors, before the claim of the Synod arose. Thus, in the view of the testator, five years would be occupied in clearing the real estate, and only an interval of twenty years would be the period of suspense as to whether or not a Bishop should be appointed. That length of time would not be objectionable in point of remoteness.

But I prefer that reading of the will which would call for the conveyance of the lands to the Synod forthwith upon the satisfaction of the secured debts—by that body to be held in trust expectant upon the Episcopal appointment for the period of twenty-five years from the testator's death—with provision for the transfer of the lands by the Synod to the Lennoxville College, if no Bishop had been duly appointed before the end of the twenty-five years.

The language of the testator permits of this construction, and the Court will be slow to seek to frustrate his general charitable purpose.

All the real and personal estate is vested in the executors to hold in trust . . . for the purpose as to the lands mentioned of being "legally conveyed to the Synod of the Diocese of Ottawa, to be held in trust by said Synod for an endowment of the Bishopric of Cornwall, whenever the Bishop of Cornwall is being appointed" (sic.)

Again in paragraph 20 he adverts to this trust conferred by the earlier clause on the Synod of Ottawa, in this way: "If the appointment of such a Bishop does not take place within twenty-five years after my death, then and in such case the properties which had been intended for the endowment of the See of Cornwall shall also by transfer become the property of Bishop's College, Lennoxville." That is, as I read it, the then trustees for the Synod shall at the end of the twenty-five years (if no Bishop is appointed) transfer what they hold to the trustees of the College "in trust towards the endowment of a Professorship of Natural Science."

In brief, after payment of the secured debts, the real estate held in trust is to be conveyed in fee simple to the Synod, subject to be divested if a Bishop is not appointed in twenty-five years, in favour of the College.

Here is found an immediate gift for charitable uses, delayed as to the actual conveyance till the secured debts are paid, and