in force in Canada, or that so far as the College is concerned, it has, by its charter, power to hold such a gift. 1875. Ferguson v. Gibson.

On the first point, it is no longer open for discussion here. It has been too frequently held in our Courts to be in force, for me to venture to consider the question as still arguable: Doe *Anderson* v. *Todd* (*a*), *Hallock* v. *Wilson* (*b*), *Mercer* v. *Hewston* (*c*), *Hambly* v. *Fuller* (*d*).

The last three cases have been decided since *Whicher* v. *Hume* (*e*), and after considering the effect of that case,

Queen's College was incorporated by Royal Charter in 1841, and, by the second clause of the charter, was authorized "to have, take, receive, purchase, acquire, hold, possess, enjoy, and maintain in law to and for the use of the said College any messuages, lands, tenements, and hereditaments of what kind, nature or quality soever so as that the same do not exceed in yearly value £15,000, sterling, and also that they and their successors shall have power to take, purchase, acquire, have, hold, enjoy, receive, possess, and retain all or any goods, chattels, moneys, stocks, charitable or other contributions, gifts, benefactions, or bequests, whatsoever." Judgment.

The first part of this clause refers to real estate, which is not to exceed a certain annual value, the last is evidently confined to personalty. There is no limit to the amount; and the language is peculiarly appropriate to that species of property. Then the first clause does not purport to dispense with the Mortmain prohibitions, and its language is fully satisfied by construing it as extending to lands that might be acquired without infringing that statute.

Construing the charter as I have done, it is not neces-

(*a*) 2 U. C. R. 82.
(*b*) 9 U. C. C. P. 28.
(*c*) 9 U. C. C. P. 349.
(*d*) 22 U. C. C. P. 141.
(*e*) 7 H. L. C. 124.