

made out of accruing income of the estate, by the executors, assuming, that is, that the creditors are willing to wait. But, if the claim is enforced by the creditors, I do not see that the next of kin have any equity or status to require the executors to postpone dealing with respect to the other trusts of the estate, for so long as it might have taken to accumulate enough to pay all these secured claims in the manner directed by the testator. The legal rights of the secured creditors would frustrate the delay contemplated by the testator, but *cui bono*? Surely for the advantage of the beneficiaries under the will. The testator's object in accumulating the rents is thereout to have the creditors paid, but the object of accumulation ceases when the creditors enforce payment out of the general assets in the usual course of administration. I think his intention is clear to exonerate the lands and property charged with debts from the payment of the charges by the beneficiaries. The general estate is to pay all debts sooner or later.

As soon as the obligations on the real and personal estate are satisfied, then the trust arises in respect of the lands. It was agreed during the argument that an accumulation of income would be required for about five years in order to pay all these secured debts thereout. The lands are then to be conveyed to the Synod of the Diocese of Ottawa, to be held in trust for the endowment of a Suffragan Bishopric of Cornwall. But, the will proceeds, if the accomplishment of the said Suffragan Bishopric is long delayed . . . if the appointment and consecration of such Bishop do not take place within twenty-five years after my death, then the properties intended for the endowment of the See of Cornwall shall by transfer become the property of Bishop's College, Lennoxville.

The will was made on the 25th June, 1902, and the last codicil confirming his will was made on the 29th May, 1909, and the testator died in the Isle of Wight, on the 1st May, 1910. The appointment of any Bishop for a Diocese of Cornwall has not yet taken place—though some steps have been taken towards the establishment of a Coadjutor Bishopric in that locality. But the matter has in no sense reached that point of completion required by the testator. The question is whether the trust to convey by the executors of the testator is to remain in abeyance for twenty-five years from his death, or for such lesser period as may lapse before a Coadjutor or Suffragan Bishop has been appointed and consecrated for the new See of Cornwall, or is it a void bequest by reason of infringing the rules against remoteness? Even if the conveyance to the Synod was not to be made till the Bishop was