

1875. like the case of a person without an interest desiring to speculate in a purchase, when other considerations might interpose difficulties in the way of giving relief.

Ross
v.
Scott.

I think the decree should be affirmed.

SPRAGGE, C., intimated that he concurred in the views expressed by the Vice Chancellors, and with them agreed that the decree should be affirmed with costs.

FERGUSON V. GIBSON.

Will, construction of—Mortmain acts.

A bequest issuing out of realty to Queen's College for the founding of a Bursary, is a charitable bequest within the Mortmain Acts, and therefore void.

Motion for decree construing the will of the testator, and to declare the legacies to certain of the defendants, void.

Mr. *Blake*, Q.C., for the plaintiffs.

Mr. *MacLennan*, Q.C., and Mr. *George M. McDonnell*, for the defendants, Queen's College.

Bill *pro confesso* against the other defendants.

Judgment. PROUDFOOT, V. C.—The legacies in the testator's will of \$500 for a bursary in Queen's College, and the devise of the residue of the real and personal estate to, and to distribute the proceeds among certain schemes of the Church of Scotland, Education Scheme, Indian Scheme, Home Scheme, Colonial Scheme, and Jewish Scheme, share and share alike, are charities; and so far as the real estate is concerned, are void, unless Mr. *MacLennan's* argument be correct, that the Mortmain Act is not