Boyd, Q.C., for plaintiff.

Hodgins, Q. C., for the municipality of Petersville and the Reeve.

Bartram for defendant Evans.

Proudfoot, V. C.] [March 11.

STEVENSON v. STEVENSON.

Will, construction of—Land subject to mortgage—Right to redeem given by testator—Costs.

The testator was seized of certain lands which were subject to incumbrances, and by his will directed the same to be sold if his sons in succession should not redeem. One of the sons R. to whom the first privilege of redeeming was given, availed himself thereof and redeemed the property, which was subject to certain charges imposed by the will, in addition to the incumbrances.

Held, that the right to redeem was in effect a right to purchase as the mortgages and charges created by the will amounted to about as much as the land was worth; and that R. had acquired a good title free from any claim of his brothers, and was entitled to recover his costs, not out of estate of the testator, but from the plaintiffs personally.

Cassels, for the plaintiffs.

Kingsford, for the defendants The Freehold Loan and Savings Company.

Moss, for the other defendants.

Proudfoot, V.C,] [March 11.

IN RE JOHN MCDONALD'S WILL.

Will, construction of—Mortmain—Costs.

A testator made his will, and within three weeks thereafter died, having by his will directed his lands to be sold, and out of the proceeds gave $2,000 to his widow in lieu of dower, and further directed that "all moneys then remaining in the hands of my executors shall be divided between the following funds: naming five different charities in connection with the Canada Presbyterian church—"such money to be divided in which ever way my executors may think best."

Held, that the bequests to the charities were void under the Mortmain Acts; and there being no residuary clause the bequests so failing to take effect went to the heirs-at-law, not to the next of kin of the testator: costs of all parties to be paid out of the estate.

Fraser, for petitioners.

Roaf, for widow of testator.

Meredith & Clarke, for other legatees.

Proudfoot, V. C] [March 11.

SCOTT V. DUNCAN.

Will, construction of—Estate tail—Vested interest.

The testator directed all his lands to be sold by public auction or private sale, and proceeds to be retained by his executors till his youngest surviving child should attain the age of twenty-one, when the amount was to be divided amongst all the surviving children share and share alike; but in the event of either of his children dying without issue before the youngest surviving child should attain twenty-one, the share of the one so dying should go to the survivors.

Held, that these words did not create an estate tail or *quasi* entail—and that the shares of the legatees were vested.

Hoskin, Q. C., and *Crickmore*, for plaintiffs.

Cameron and *Ewart*, for defendants.

The Chancellor] [March 12

MCGEE v. CAMPBELL.

Insolvency—Concealment of Assets.

The omission by an insolvent from his schedule of assets, of any property or stocks, in order to render him liable to the consequences provided by the 50th and 140th Sections of the Insolvent Act, must be shown to have been so omitted with a fraudulent intent.

A firm consisting of three members having become insolvent, the members thereof procured the usual discharge, which, so far as C. one of the members was concerned, was impeached by a creditor of the firm, on the ground that C. had omitted from his schedule certain railway shares which it appeared had been allotted to C. at the original organization of the company in the same manner as shares were allotted to other persons, and marked paid up shares, no money consideration however having been paid by the allottees, and no scrip issued for the shares, such persons being appointed directors