other formalities required by the act, as if they comprised mere voluntary grants. The third section of the Act provides that all deeds, not in accordance with the prescribed formalities, shall be null and void. The fourth section exempts from the purview of the Act the two Universities and the colleges of Eton, Winch. 'er, and Wesminster.

A general impression having prevailed that all the conditions prescribed by this Act were waived by the second section as to cases of purchases made by charities, a general disregard of *all* the formalities prescribed by the first section frequently occurred in such cases of purchase. The Act 9 Geo. IV., c. 85, was passed to remedy some of these mistakes. It does not apply to deeds which contain a reservation in favour of the grantor, and it has only a retrospective operation. The chief object of Lord Cranworth's Bill, which is now before Parliament, is to dispense in future, in cases of purchase, with most of the formalities required by the Act of George II. The first section of the Bill proposes that no deed or assurance hereafter to be made for charitable uses, shall be deemed void within the meaning of the Act of George II., by reason of not being indented, nor by reason of reserving to the grantor a *nominal* rent, mines, easements, covenants as to repair or enjoyment, or a right of entry on breach of such stipulations; nor, as regards copyholds and customary freeholds, for want of a deed; nor, in cases of a purchase for full consideration, by reason of the consideration consisting of a rent reserved to the vendor or to any other person, provided that in all reservations the owner or vendor shall reserve the same benefits for his representatives as for himself. The second section provides that when the uses of a deed of conveyance are declared by a separate deed, the enrolment of the latter alone is in future to be sufficient. The third section validates all past deeds made for full value, under which possession is now held, if such deeds were made to take effect immediately in possession, without any power of revocation, and if such shall be enrolled (if not so already) within twelve months after the passing of this Act. The fourth section provides that if the uses of such deeds have been declared by separate deeds, the enrolment of the latter alone will be sufficient. The fifth section provides that the Act is not to invalidate any deed otherwise good, nor to apply to deeds already avoided or sought to be avoided in due course of law. The acknowledgment of deeds thirty years old, and of any other deeds, which it is impossible to have acknowledged within twelve months after the passing of the Act, is also declared unnecessary prior to enrolment. The last section of the Bill exempts from its provisions, Ireland, Scotland, the two Universities, and the Colleges of Eton, Winchester, and Westminster.

The case of *Jeffries* v. *Alexander* (7 Jur. N. S. 221), decided by the House of Lords last session, illustrates very clearly the various complications to which the present state of the law of mortmain has given rise. In this case a deed of covenant was executed by A. B. five years before his death, whereby he agreed that he would in his lifetime, or that his executors should within twelve months after his decease, but subject to the payment of his debts and legacies, invest a certain sum of money in Consols, in the names of trustees, for certain charitable uses. Part of the property left by the covenantor at his death consisted of personalty savouring of the realty. The House of Lords (Lords Cranworth and Wensleydale dissenting) held, reversing the decision of the Lords Justices, who had reversed that of Sir J. Romilly, M. R., that the deed of covenant, so far as the chattels real were concerned, was within the meaning of the third section of the Mortmain Act, and, therefore, void; although the deed did not *ex facie* violate the provisions of that statute. Where the proceeds of an estate devised to be sold were bequeathed in trust for charitable purposes, Lord Hardwicke held the bequest void, although such a bequest had no tendency to bring the lands into mortmain; *Attorney-General* v. *Lord Weymouth* (Ampb. 25). On the other hand, if a testator whose assets consisted exclusively of a bond due from a deceased obligor, were to make any charitable bequest, the real estate of the obligor would be resorted to if necessary for the purpose of discharging the bequest, *Foone* v. *Blount* (Cowp. 464). The principle of this case, however, which was cited by Lord Cranworth in support of his dissent in *Jeffries* v. *Alexander*, appears to be easily distinguished from that affirmed by the latter case, inasmuch as the resort to realty for satisfaction of the bequest in *Jeffries* v. *Alexander*, was rendered necessary by the donor's own acts; but in *Foone* v. *Blount*, this necessity was owing to the nature of the property of a party who had nothing to do with the bequest, and who could not, therefore, be affected by the Mortmain Act. In *Harrison* v. *Harrison* (1 Russ. & M. 71), a vendor's lien for unpaid purchase-money was held to be an interest within the meaning of the Mortmain Act; inasmuch as the vendor, like a mortgagee, had the legal estate, until a conveyance was perfected.

Assets are never marshalled in favour of charities: *Mogg* v. *Hodges*, (2 Ves. 53). Such bequests, moreover, fail in the proportion in which, if valid, they should have been paid out of realty, or out of personalty savouring of realty, such as mortgages, leaseholds, &c., *Attorney-General* v. *Tyndal* (2 Eden. 597). But a testator may direct his charitable bequests to be paid exclusively out of his pure personalty, and the Court will give effect to his intention; *Robinson* v. *Geldard* (3 Mac. & G. 735.) In *Tempest* v. *Tempest*, 5 W. R. 402, a testatrix by her will gave her real estate to trustees upon certain trusts, and amongst divers specific and pecuniary bequests bequeathed to the same trustees such a sum of money as when invested in consols would produce a certain clear annual income upon trust for certain specified charitable uses. She also directed that the said charitable bequests should be paid *in precedence of other pecuniary legacies* bequeathed by the same will out of such part of her personal property not specifically bequeathed as was by law applicable for charitable purposes, and she gave the residue of her personal property to the trustees upon the trusts in the will mentioned. By an order of Wood, V.C., on further consideration it was declared that the debts and funeral expenses of the testatrix, and the costs of the suit for administering her estate, were primarily payable out of her personal estate savouring of the realty. The ground of this decision would appear to be that the general rule against marshalling in favour of charities was neutralized in this case by the demonstrative character of the charitable bequests; demonstrative legacies not being liable to abate ratably with general or pecuniary legacies on a deficiency of assets. (*Vide* "Smith's Com. Real and Per. Pro.," 826.) On appeal from this order, the Lord Chancellor held that the testatrix did not indicate an intention of exempting the pure personalty from its usual liability to contribute ratably with the personalty savouring of the realty to the debts and funeral expenses of the testatrix and that, therefore, the charitable bequests could be enforced only against the portion of the pure personalty which remained after such a deduction. The principle of this decision appears to be that the rule against marshalling in favour of charities is not to be waived, except upon the expression of a clear intention in a will to that effect, and that a bequest of a demonstrative legacy out of a fund of pure personalty is not a sufficient indication of such an intention. These cases, and especially the judgments in *Jeffries* v. *Alexander*, clearly depict the complications which the distinction of property *into* realty and personalty has produced in this branch of law.

The laws and procedure relating to the administration of charities are in a very unsatisfactory state, notwithstanding that the reports of commissioners on the subject fill twenty eight volumes folio, and cover 28,000 pages. Upon this branch of the laws of charites we do not offer any comments at present. We merely suggest that, while the administration of