

Treasurer, to be expended by him or them in luxuries for the inmates of the said poorhouse in addition to the regular supplies to the said inmates, said sale to be made at the expiration of four years from the date of the will, namely Feb. 21st, 1900. The testator died a few days afterwards. The House of Refuge of the County of Bruce is generally known as the Bruce County Poorhouse.

Held, that the County was entitled to the proceeds of the sale under R.S.O. c. 112, the bequest being a charitable use within that Act.

Held also, that the provision of the will which would postpone the sale more than two years from the death of the testator contrary to section 4 of that Act was invalid, unless the period allowed by the Act were extended by the court or judge.

Malcolmson, for plaintiff. *Garrow*, Q.C., for infants. *Loscombe*, for executors. *Shaw*, Q.C., for County of Bruce.

Boyd, C.]

[Dec. 17, 1900.

IN RE THOMPSON—THOMPSON v. THOMPSON.

—*Money in court—Payment out—Life-tenant Lunatic—Foreign guardian—Maintenance.*

During the infancy of the defendant \$2,000 was paid into court, to one-half of which she was entitled on attaining majority and to the other half after the death of her mother. The defendant having come of age, but being of unsound mind, and residing abroad with her mother, who had been appointed her guardian by a foreign court, the mother applied for payment out of the whole fund, having given specific security for the amount in the foreign court.

Held, as to the half of the fund in which the applicant had a life interest, that it might be paid out to proper trustees appointed to administer and safe-guard it, or it might be paid out to the applicant upon substantia security being given.

Held, as to the other half, that being actually in the hands of the court, it was subject to the jurisdiction of the court, and should be applied for the support and maintenance of the person of unsound mind, in the discretion of the court—whatever sum should be shewn to be necessary for maintenance being paid to the foreign guardian.

J. D. Montgomery, for applicant. *J. Hoskin*, Q.C., for the person of unsound mind.

MacMahon, J.]

[Dec. 18, 1900.

PARKER v. TORONTO MUSICAL PROTECTIVE ASSOCIATION.

Trade Union—Expulsion of member—Articles of association—By-law in restraint of trade—Illegality—Militia Act.

The plaintiff, a musician and a member of the active militia of Canada and of the band of a militia regiment, became a member of the defendant