

Those two gifts, then, are void by the statutes of mortmain.

The subsequent history of the New Connexion body was appealed to as assisting in their contention. In 1874, by 38 Vict. ch. 78 (O.), three churches, the Wesleyan Methodist Church in Canada, the Wesleyan Methodist Church of East British America, and the New Connexion, have their real and personal property vested in a new church, which they had formed by union, called the Methodist Church of Canada, and by sec. 8 of that Act the provisions of 14 & 15 Vict. ch. 142 are made to apply to such new church. But there is no intimation that the provisions of 14 & 15 Vict. ch. 142 were made to apply retroactively to either of the two bodies which united with the Wesleyan Methodist Church, in whose favour the Act had been originally passed.

In 1884 this new church united with three other churches to form "the Methodist Church," and by 47 Vict. c. 88, sec. 6, the new church thus formed was given all the powers, etc., conferred upon the original body for whose benefit the Act 14 & 15 Vict. ch. 142 was passed, by that Act. But, as before, there is no retroactive effect given to this section—and sec. 7 does not take the matter any further.

As to (c), the Bible Society was sufficiently awake to the necessity of legislation to apply for an Act. This is to be found in (1855) 18 Vict. ch. 229, and it gives the society the "power to take, under any legal title whatsoever, and to hold for the use and purposes of the said corporation, without any further authorization, all property, real and personal, of what nature and kind soever, which may hereafter be sold . . . bequeathed, or granted to the said corporation:" sec. 1. The wording is substantially the same as that considered in *Smith v. Methodist Church*, 16 O. R. 199, and is sufficient to entitle the society to receive and hold the gift in question. The Act of 1877, 40 Vict. ch. 62, sec. 2 (O.), authorizes the Bible Society "to take or hold by gift, devise, or bequest, any land, or tenements, or interests therein, if such gift, devise, or bequest be made at least 6 months before the death of the person making the same." This legislation seems to have been passed *ex abundantia cautela*. Did the section just quoted stand alone, it would furnish an argument that the legislature had not intended to give by the former legislation, more extensive powers, but sec. 3 provides that "this Act shall not be construed so as in any wise to repeal, take away from, or diminish any of the rights