

unwarranted, yet that it might, nevertheless, be all ratified and confirmed by the company at a meeting duly called, and therefore that the plaintiffs had no locus standi, and that their only remedy was to appeal to a meeting of the company. Though dismissing the action, however, he gave no costs.

WILL—"PERSONS WHO ARE THE TRUSTEES OF THE WILL OF A."—
EXECUTORS OF LAST SURVIVING TRUSTEE—CONVEYANCING AND
PROPERTY ACT 1881 (44-45 VICT. C. 41) s. 30—(R.S.O.
C. 127, s. 3).

In re Waidanis, Rivers v. Waidanis (1908) 1 Ch. 123. A testatrix by her will devised and bequeathed property to the person or persons who should at her death be trustees of her father's will. At that time all the trustees named in her father's will, and all the trustees who had been appointed in their place were dead. The executors of the last surviving trustee of her father's will, had acted in the trusts of her father's will, and these executors, Eady, J., held, were the duly appointed trustees of the will of the testatrix.

CHARITY—GIFT FOR CHARITABLE OR EMIGRATION USES—UNCERTAINTY.

In re Sidney, Hingston v. Sidney (1908) 1 Ch. 126. Eady, J., held that a gift of personalty for "such charitable uses, or for such emigration uses, or partly for such charitable uses, and partly for such emigration uses" as the trustees shall think fit, is not a good charitable gift, and is void for uncertainty; because where a gift includes purposes which may or may not be charitable, and a discretion is vested in trustees, the whole gift is void for uncertainty. In the present instance emigration purposes was not necessarily confined to the assisting of poor persons.

WILL—TESTAMENTARY EXPENSES—LEGACIES CHARGED ON LAND—
ESTATE DUTY.

In re Cooper, Poe v. Cooper (1908) 1 Ch. 130. Eady, J., held that where a legacy is given out of a mixed fund or residue, it is thereby charged rateably on the portions attributable to realty and personalty and that notwithstanding a direction to pay "testamentary expenses" out of the mixed fund, the estate duty in respect of the share of the legacy payable out of the realty, must be borne by the legacy.