their education; by the Finlay Asylum, a corporate institute for the relief of the aged and infirm, belonging to the communion of the Church of England; and by W. R. R., a first cousin of the testator, claiming as a poor relative:—Held, that Morrin College did not come within the description of a charitable institution according to the ordinary meaning of the words, and had therefore no *locus standi* to intervene; Sedgewick, J., dissenting; but that Finlay Asylum came within the terms of the will as one of the charities which F. R. might select as a beneficiary, and this gave it a right to intervene to support the will:—Held, further, that in the gift to "poor relatives" the word "poor" was too vague and uncertain to have any meaning attached to it, and must, therefore be rejected, and the word "relatives" should be construed as excluding all except those whom the law, in the case of an intestacy, recognized as the proper class among whom to divide the property of a deceased person, and W. R. R. not coming within that class his intervention should be dismissed:—Held, per Fournier and Taschereau, JJ., that the bequest to "poor relatives" was absolutely null for uncertainty. *Ross* v. *Ross*, 25 S.C.R. 307.

—**Execution of—Testamentary Capacity.**]—A testator was suffering from a disease which had the effect of inducing drowsiness or stupor during the time he gave the instructions for drafting and when he executed his will, but as the evidence showed that he thoroughly understood and appreciated the instructions he was giving to the draftsman as to the form his will should take and the instrument itself when subsequently read over to him, it was held to be a valid will. *McLaughlin* v. *McLellan*, 26 S.C.R. 646, affirming 28 N.S.R. 226 sub nomine *re Estate John A. P. McLellan*.

—**Devise to Religious Body—Minister's Residence—Necessity for User as—R.S.O. c. 237, ss. 1 and 23—38 Vict., c. 76, s. 10—Gift for School Teacher's Residence—Invalidity—9 Geo. II, c. 36.**]—A testator, by his will, made more than six months prior to his death, directed that after his wife's death a house and lot should go to the trustees, for the time being, of a named Presbyterian church for a manse, if required, or that it might be kept in good repair and rented for the benefit of the congregation. The widow died shortly before the commencement of this action, which was for the construction of the will, and the land had not yet been used for a manse:—Held, that the devise was valid, for sec. 23 of the Religious Institutions' Act, R.S.O. c. 237, and sec. 10 of 38 Vict., c. 76 (O.), enabled the trustees to take land for a minister's residence, if actually used as such, although it could not be held merely for the purpose of rental; that an intention not to so use it would not be presumed from the non-user for the short period that had elapsed since the widow's death, but that, in any event, the effect of such non-user would be that the interest of the trustees in the property could be sold within seven years, as provided for by that section, or that the property would revert to the testator's heirs; and semble, that the trustees could legally sell.—By another clause certain other land was devised to the trustees of a named common school section, on which a teacher's residence might be erected, or that it might be rented for the benefit of the school funds, subject however, to a condition of preserving and keeping in order an adjoining plot:—Held, a devise for charitable purposes within the 9th Geo. II, c. 36, and so void. *Sills* v. *Warner*, 27 Ont. R. 266.

—**Substitution created by—Registration—Prescription.**]—In 1834 there was in Lower Canada a special registry for insinuations distinct from the ordinary registry for judgments:—Held, that publication in that year of a will in open Court, and registration in the ordinary registry, but not on the special register, was insufficient.—Prescription against a substitution created under a will in 1834 was held to be governed by the law then in force, and not by the code, and it ran against the substitutes in favour of third parties only from the opening (*ouverture*) of the substitution.—Children who have accepted the succession of their father, who accepted the succession of his mother by whom an immovable subject to substitution had been sold, are *garants* of the latter's acts and cannot revendicate the immovable as subject to a substitution in their favour.—In an action for revendication evidence of renunciation of the father's succession pending the action is inadmissible. *Page* v. *McLennan*, Q.R. 9 S.C. 193, affirming 7 S.C. 368.

—**Instrument on Instructions of Legatee—Validity—Onus of Proof—Undue Influence—Testamentary Capacity—Costs.**]—Testator was a bachelor of 84. He had always been of careful habits and very determined mind, aad had accumulated a small fortune by saving. He lived unattended in a small cottage which he owned. His only relatives were abroad. He had, commencing thirteen years before his death, carried on a correspondence with the plaintiff, his nephew, who lived in England, and was in indigent circumstances, intimating an intention to provide for him by making a will in his favour. No testamentary disposition in favour of any other relative was indicated. Plaintiff obtained admission to a Sailor's Home, in England, in 1887, when testator wrote "I am glad you have got into that noble institution, it is all you will want for life." Testator in his subsequent correspondence made no allusion to any intention to leave plaintiff anything. Testator in 1891 was found in his cottage, in a state of physical collapse, from cold, weakness and neglect, and was taken to the house of the defendant who was his friend of long standing. He died there eight days afterwards. Seven days before his death he made the will in question, leaving all his property to the defendant, who, at testator's request employed and instructed a solicitor who drew up the will at his office. The solicitor attended the testator, read the will over to him twice, and asked him if he understood the will, and wished to leave his property to the defendant, to which testator answered "Yes," and also asked if he had power to alter the will afterwards. The evidence of the solicitor, and of the attending physician, was that the testator was then of testamentary capacity:—Held, per Crease, J., at the trial, that where a will is drawn on