

been held in our own Courts, in a considered judgment, to be for a lawful purpose of a public character proper to be ranked under the head of "charitable:" *Farewell v. Farewell* (1892), 22 O.R. 573.

But on another ground the gift fails. It is dependent upon conditions which may never be fulfilled—the establishment in Guelph of a hotel where no intoxicating liquor is kept or sold; the existence of a certain standard of accommodation in such a hotel, if established; and, finally, when these conditions are satisfied, the approval of any payment by the Bishop of Hamilton.

In *In re Swain*, [1905] 1 Ch. 669, one of the principles flowing from *Chamberlayne v. Brockett* (1872), L.R. 8 Ch. 206, is stated to be that a gift in trust for a charity, conditional upon a future or uncertain event, is subject to the same rules as an estate depending on its coming into existence upon a certain event.

Such a hotel as the testator had in mind may never be established in Guelph; and, even if it should be, the approval made a prerequisite to payment may not be given. The bequest is too vague and indefinite to be supported, and fails: *In re Jarman's Estate* (1878), 8 Ch.D. 584.

Costs out of the fund.

MEREDITH, C.J.C.P.

FEBRUARY 20TH, 1914.

*RE LORD AND ELLIS.

Land Titles Act—Rectification of Register—Purchaser at Tax Sale—Registration as "Owner" after Long Delay—Intervening Rights of Purchaser for Value without Notice—Time for Registration—Application for Registration—Notice to Registered Owner—Failure to Appear—Evidence—Priorities—Direction for Trial of Issue—Costs—1 Geo. V. ch. 28, secs. 42, 66, 112, 113, 115, 116.

Application by Mrs. Lord and one Hay to rectify the register of a Land Titles office.

R. G. Agnew, for the applicants.

G. H. Sedgewick, for William Ellis and Richard Ellis, the respondents.

*To be reported in the Ontario Law Reports.