

Held, that a judge when once called in and designated under the provisions of the Act was fully invested with all the authority of the judge of the court to try and dispose of any cause or matter upon the trial of which he had entered, and that one of the powers he would have was that of giving judgment and signing the order necessary to give effect to it, after the recovery of the judge or removal of the disability, etc.

Held, also, that the making of an order for the possession of land under a sheriff's deed, was not a question of title to land within the meaning of s. 19, sub-s. (1st.), and so excluded from the jurisdiction of the court.

J. J. Power, for applicant for writ of prohibition. *B. H. Eaton, Q.C.*, for applicant for writ of possession.

Province of New Brunswick.

SUPREME COURT.

Barker, J.]

[Oct. 16, 1900.

BREWSTER v. BAPTIST FOREIGN MISSION BOARD.

Will—Construction—Blank in will—Charitable gift—Trust for benevolent purposes—Uncertainty—Failure of trust.

A testator by will provided for a bequest of money to the defendants, to be paid yearly, or, at such times as his executor shall think advisable, but omitted to fill in the amount. In the same paragraph of the will it was then declared that, where "Home Missions" were considerably more needy, an amount might be given to it, or to any such good and benevolent Christian objects as the executor should consider most deserving. The will then directed the executor to sell a part of the testator's real and personal estate, "and the proceeds to be placed so as to be conveniently drawn to assist in aiding good and worthy objects."

Held, that the gift of an unnamed amount of money to the defendants was void, and that the gift in the rest of the will was not a gift to charitable, but to benevolent uses, and failed for uncertainty.

C. N. Skinner, Q.C., and *C. A. Peck, Q.C.*, for plaintiff. *A. J. Trueman, Q.C.*, for next of kin. *A. A. Wilson, Q.C.*, for the Board.

Barker, J.]

BOURGUE v. CHAPPELL.

[Dec. 18, 1900.

Deed—Quit claim—Competing purchasers—Priorities—Registry Act.

It is not a deed of quit claim where the grantor remises, releases and quit claims unto the grantee, his heirs and assigns, a lot of land, and covenants that the land is free from incumbrance made by him, and that he