testator's heirs-at-law, could have made title as such. *Re Shanacy and Quinlan*, 372.

4. *Charitable Bequest — Validity of — Lands in Ontario — Foreign Lands — Debts and Testamentary Expenses — Liability for — Realization.*]—A testator, domiciled in a foreign country, died in 1891, possessed of certain lands and personal estate in that country, and also of lands in Ontario. His personal estate was insufficient to pay his debts. By his will, after specific bequests and devises, he gave the residue of his estate, real, personal, and mixed, wherever situated, to his trustees, to promote, aid, and protect citizens of the United States of African descent in the enjoyment of their civil rights, or, in case of such trust becoming inoperative, to his heirs-at-law :—

Held, that the devise of lands, so far as Ontario was concerned, was void and inoperative.

2. That the trustees held the lands to the use of the heir-at-law until satisfaction should be made thereout for the charges thereon of debts and testamentary expenses, and the heir-at-law was entitled to a conveyance thereafter.

3. That the Ontario lands were liable to contribute *pari passu* with the other lands for the payment of debts and testamentary expenses.

4. That the proportion chargeable on Ontario lands might be raised by sale of an adequate part, or the rents might be applied therefor. *Lewis* v. *Doerle et al.*, 412.

5. *Rule against Perpetuity — Thellusson Act — 52 Vict. ch. 10, sec. 2 (O.)*] — A testator directed his executors to lease and rent and invest his lands, money, and mortgages for the term of 60 years, after which the property was to be divided as in his will provided :—

Held, that this infringed the rule against perpetuity, and 52 Vict. ch. 10, sec. 2 (O.), and was invalid. *Baker* v. *Stuart*, 439.

6. *Legacy — Vested Interest — Period of Payment.*]—Where a testator gives a legatee an absolute vested interest in a defined fund, the Court will order payment on his attaining twenty-one, notwithstanding that by the terms of the will payment is postponed to a subsequent period.

Rocke v. *Rocke*, 9 Beav. 66, followed. *Goff* v. *Strohm*, 553.

7. *Charitable Use — The Mortmain and Charitable Uses Act, 1892, 55 Vict. ch. 20 (O.)*]—A devise of real estate to a bishop in trust for the use of his diocese is not a devise "to or for the benefit of any charitable use," within the meaning of secs. 4 and 5 of the Mortmain and Charitable Uses Act, 1892, 55 Vict. ch. 20 (O.) *Re McCauley*, 610.

8. *Bequest of Specific Sum — Debt Larger than Amount Named.*]—A testatrix to whom a debt of £2,900 was owing by the E. estate, by her will bequeathed as follows: "The two hundred and ninety pounds due from the E. estate * * and moneys in * * to be used by my executors in payment of debts * * the balance thereof to be equally divided among the daughters of * * :"—

Held, that only the sum of money mentioned in the will and not the whole amount due by the E. estate passed by the clause in question.

Decision of MEREDITH, C.J., reversed. *Re Sherlock*, 638.

See REVENUE.