and marry without license, were again discussed. A *quietus*, however, has been given to all these by the Ontario statute, 37 Vict. c. 6, sec. 1, in cases where the parties have, after celebration, "lived together and cohabited as husband and wife," and where the validity of such marriage had not been therebefore litigated. The judge remarked upon the tautology involved in the expression, "lived together and cohabited." It is manifest that the terms are synonymous etymologically, and even in legal parlance, as the counsel observed they are so used, and we find Lord Eldon speaking of "cohabitation without reconciliation." But another point was raised during the argument of more practical consequence: that is, touching the admissibility of marriage and other entries in the parish record kept by the Romish clergy. It was contended, on the one hand, that such entries are only admissible when made in pursuance of a duty imposed or prescribed by law. It was answered, on the other hand, that it was enough if the entries were made in the course of duty by an ecclesiastic of the Church, in obedience to synodical regulations. The weight of authority seems in favour of this position, though it is by no means clear. Reference was made to the cases of *Rawlins* v. *Rickards*, 28 Beav. 370, and *Malone* v. *O'Connor*, 2 Ir. Eq. 16, which last, however, was not followed in *Ennis* v. *Carroll*, 17 W. R. 344. This is a matter which should not be left in doubt. It was not necessary in this case for the Vice-Chancellor to decide the point, and he abstained from expressing any opinion thereon. It is, however, a matter of vital concern to many people, affecting their status and civil rights; and it is not, in our judgment, unfitting that the Legislature should make provision for the admissibility of all such records kept by the ministers of all religious bodies, who be authorized to celebrate marriage.

(4.) Speculation was rife as to what the Crown would do for young Mercer, he being declared illegitimate by the Court, in the event of its being ultimately ascertained that his father was also "a nobody's child—*filius populi*." Since the disallowance of the Ontario Escheat Act one has no guide to refer to but the English fiscal practice in cases of personal estate, which has escheated. Of course, the Crown acts *ex mero motu* and *ex gratiâ*. After discharging all liabilities on the property, which, in this case, is chiefly personalty, a proportion is reserved, varying according to the amount of the clear surplus. If it is under £500, one-tenth is reserved; over £500 and under £1,000, one-eight; over £1,000 and under £5,000, one-sixth; over £5,000 and under £10,000, one-fourth; £10,000 and upwards, one-third. After this the claims of the nearest *natural* relatives are recognized, and the balance is distributed in the shares allotted by the Treasury. Thus it appears to be left pretty much in the discretion of the Crown to apportion the estate as it thinks best among those relatives, the natural next of kin of the deceased.

Lord Eldon, in *Moggridge* v. *Thackwell*, 7 Ves., 71, adverts to the fact that when there is an escheat for want of heirs, and the fact is not communicated, it is usual for the person making the discovery to petition the Crown, stating that there is such an escheat, and praying some reward upon the ground of the discovery, if it can be made out. This, he says, is familiar practice, whether well or ill-founded. And the ordinary rule is for the Crown to give a lease—as good a lease as it can give—to such person. No doubt Lord Eldon refers to the lease for thirty-one years, permitted by 1 Ann. Stat. 1, c. 7. To remedy this, and to give the Crown the right to alienate, 39 & 40 Geo. III. c. 88, was passed, recognizing and sanctioning the practice referred to, and enabling