Stat. U. C. cap. 9). On the contrary, his opinion was that that statute was not in force here for the reasons given by Sir W. Grant, in the *Attorney-General* v. *Stewart*, 2 Mer. Mr. Justice Sherwood appeared to lean the same way, as he adverted to the law of mortmain as originating in national policy, and as of the same class as the revenue laws, the laws relating to fisheries and those for the improvement of the sea-coasts of the kingdom. Macaulay, J., gave no opinion in the case.

The question next came squarely before the Court in 1844, when it became necessary to adjudicate upon the applicability of the 9 Geo. II. c. 36, to the devise impeached in *Doe d. Anderson* v. *Todd*, 2 U. C. Q. B. 82. The Chief Justice remained of his former opinion and for the same reasons, but inasmuch as since the case of *Doe d. McDonell* v. *McDougall*, the Provincial Legislature had passed certain Statutes providing for the holding of lands by certain religious societies, "anything in the Statutes of Mortmain to the contrary, notwithstanding," he came to the conclusion that the Legislature had acted as its own interpreter, and by this language had intimated by inference, that the Statutes of Mortmain had been introduced into this Province by the Constitutional Act, 32 Geo. III. c. 1. Mr. Justice Jones took much the same stand and came to the same conclusion. Mr. Justice McLean agreed, but upon the ground (which may fairly be said to be quite untenable) that the statutes of Mortmain were applicable to the state of affairs in this country.

The result was, therefore, as put by Hagarty, J., in *Hallock* v. *Wilson*, 7 C. P. 28, that the Statutes of Mortmain were held to be in force in this Province, principally on the ground that in some of the enactments of the local legislature granting privileges inconsistent with those Acts, it is stated that such privileges are granted, "notwithstanding the Statutes relating to Mortmain." *Hallock* v. *Wilson* followed and recognized the authority of *Doe d. Anderson* v. *Todd*, but it was not the judgment of a full Court. Draper, C. J., C. P., was then absent, and his subsequent observations do not manifest complete satisfaction with the current of decision. In *Mercer* v. *Hewston*, 9 C. P. 355, he is reported (after observing that since *Doe* v. *Todd*, the question is settled till raised in the Court of Appeal,) as follows: "I wish to be understood as resting my conclusion, that this Statute, (9 Geo. II. c. 36.) is in force here on the decision of the Queen's Bench, and the recognition of that case in this Court in *Hallock* v. *Wilson*." Many other Judges have also given the same uncertain sound as to these early cases. Thus, in *Paine* v. *Kilbourn*, 16 C. P. 66, Wilson, J., speaks dubiously of the statute as one which rightly or wrongly we have adopted as part of our Statute Law. So Gwynne, J., in *Hambly* v. *Fuller*, 22 C. P. 143, proceeds upon the doctrine, *stare decisis*, and says, "Until a Court of Appeal shall otherwise decide, we must upon the authority of *Doe d. Anderson* v. *Todd*, *Hallock* v. *Wilson*, &c., &c., hold that 9 Geo. II c. 36, is in force in this Province." And Blake, V. C., in *Brown* v. *McNab*, 23 Gr. 180, observes, "It must now be here admitted, till a higher Court overrules such decision, that the Statutes of Mortmain are in force in this Province."

The statutes adverted to in *Doe d. Anderson* v. *Todd* as giving by retro-action a legislative exposition of laws covered by 32 Geo. III. c. 1, are 3 Vict. c. 73 and c. 74. From the former, relating to certain religious bodies, we have already cited the operative words. The latter is known as the "Church Temporalities Act," and sec. 16 provides that the conveyance of land to a Bishop and his successors shall be valid and effectual, "the Acts of Parliament commonly called the