which should be thereafter granted within the Province of Upper Canada (now Ontario) should be granted in free and common socage in like manner as lands were then holden in free and common socage in England. The argument before their lordships on both sides proceeded upon the assumption that the lands now in question were so holden. All land in England in the hands of any subject was holden of some lord by some kind of service, and was deemed in law to have been originally derived from the Crown, "and therefore the King was Sovereign Lord, or Lord paramount, either mediate or immediate, of all and every parcel of land within the realm" (Co. Litt., 65a). The King had "*dominium directum*," the subject "*dominium utile*" (*ibid.*, 1a). The word "tenure" signified this relation of tenant to lord. Free or common socage was one of the ancient modes of tenure ("a man may hold of his lord by fealty only, and such tenure is tenure in socage," Litt. Sec. 118), which, by the statute 12 Charles II., cap. 24), was substituted throughout England for the former tenures of knight-service and by socage *in capite* of the King, and relieved from various feudal burdens. Some, however, of the former incidents were expressly preserved by that statute, and others (escheat being one of them) though not expressly mentioned, were not taken away. "Escheat is a word of art, and signifieth properly when by accident the lands fall to the lord of whom they are holden, in which case we say the fee is escheated." Co. Litt., 13a). Elsewhere (*ibid.*, 92b) it is called "casual profit," as happening to the lord "by chance and unlooked for." The writ of escheat, when the tenant died without heirs, was in this form:—"The King to the Sheriff, etc. Command A, etc., that he render to B ten acres of land, with the appurtenances in N, which C held of him, and which ought to revert to him the said B as his escheat, for that the said C died without heirs" (F.N.B., 144 F). If there was a mesne lord, the escheat was to him; if not, to the King. From the use of the word "revert," in the writ of escheat, is manifestly derived the language of some authorities which speak of escheat as a species of "reversion." There cannot, in the usual and proper sense of the term, be a reversion expectant upon an estate in fee simple. What is meant is that when there is no longer any tenant, the land returns by reason of tenure to the lord by whom, or by whose predecessors in title, the tenure was created. Other writers speak of the lord as taking it by way of succession in inheritance, as if from the tenant, which is certainly not accurate. The tenant's estate (subject to any charges upon it which he may have created) has come to an end, and the lord is in by his own right.

The profits and the proceeds of sales of lands escheated to the Crown were in England part of the casual hereditary revenues of the Crown, and (subject to those powers of disposition which were reserved to the Sovereign by the Restraining and Civil List Acts) they were among the hereditary revenues placed at the disposal of Parliament by the Civil List Acts passed at the beginning of the present and the last preceding reign. Those Acts extended expressly to all such casual revenues arising in any of the colonies or foreign possessions of the Crown.

But the right of the several Colonial Legislatures to appropriate and deal with them within their respective territorial limits was recognized by the Imperial Statute 15 and 16 Vic., cap. 39, and by an earlier Imperial Statute (10 and 11 Vic., cap. 71) confirming the Canada Civil List Act passed in 1846, after the union of Upper and Lower Canada, by which Act the provision made by the Colonial Legislature for the charges of the Royal Government in Canada was accepted and taken instead of "all territorial and other revenues" then at the disposal of the Crown arising in that Province, over which (as to three-fifths permanently and as to two-fifths during the life of the Queen and for five years afterwards) the Legislature of the Province was to have full power of appropriation.

It may be remarked that the Civil List Acts of the Province of Canada contained no reservation of escheats, similar to section 12 of each of the Imperial Civil List Acts above referred to. It must have been purposely omitted, in order that escheats might be dealt with by the Government or Legislature of Canada, and not by the Crown, in whose disposition they must have remained if they had not been in that of the United Province of Canada. When, therefore, the British North America Act of 1867 passed, the revenue arising from all escheats to the Crown, within the then Province of Canada, was