

each and every of the persons who shall in turn succeed to the title and dignity of Viscount Hill, and successively as they shall in turn succeed to such title and dignity as aforesaid, my intention being that the said diamonds shall descend as heirlooms as far as the rules of law and equity will permit." The third viscount died in 1895 and was succeeded by the fourth viscount, who was born in 1863 and was the plaintiff in the action. He was married but had no issue. The plaintiff applied on an originating summons to have it determined whether he was entitled to the diamonds absolutely or for life only. The defendant was the heir presumptive of the title and was born in 1866. It was argued on his behalf that the bequest was a good limitation in favour of all persons living at the time of the testatrix's death who might thereafter at any time succeed to the title, the words "as far as the rules of law and equity permit" preventing any violation of the rule against perpetuities. The Court of Appeal (Williams, Stirling and Cozens-Hardy, L.JJ.), however, considered the case concluded by the decision of the House of Lords in *Tollemache v. Coventry*, 1 Cl. & F. 611; and held that the plaintiff was absolutely entitled, affirming the decision of Eady, J.

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Our valued contemporary, the English *Law Times*, in referring to the views expressed by Mr. Barton, the Australian Prime Minister, as to an ultimate Court of Appeal for the Empire, remarks upon "the unfortunate rule that permits only one judgment to be given in the Judicial Committee." We entirely disagree with the writer of the above sentence. It is, we think, most fortunate and a very helpful and healthy arrangement that the judgment of a final Court of Appeal should be given as a unanimous one. It is most undesirable that by means of a dissenting judgment, or in any other way, doubt should be thrown upon the law as it might be laid down by a Court of last resort. Finality is the important matter in the mind of business men and in the interest of the public.