

case of contempt, an order in such case being a matter of judicial discretion in the court below, which might have disposed of the O'Brien case. Otherwise, he agrees with the rest of the court, though he makes no reference to the matter mainly dealt with by Judge Fournier, imitating in his silence the Chief Justice.

The whole case would seem to show that the Supreme Court is not infallible; and that if it has erred, as we venture to think it has, in the matters above referred to, the better course would have been frankly to admit it, rather than to fall into worse error by seeking to maintain its infallibility: that a judge will sometimes take up time and space in the reports in dealing with a matter that has no reference to the case he is deciding: and that their lordships are not always in accord among themselves, either as to law or facts, though that is, probably, to a greater or less extent, a feature of all courts.

We have before now expressed the opinion that in the Supreme Court, which is the court of ultimate resort in the Dominion, a decision should be arrived at as the decision of the court as a unit, and judgment given accordingly. This would necessitate, of course, full and free consultation and exchange of opinion between the judges, which would in itself be most helpful, and decidedly beneficial to the public.

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### CURRENT ENGLISH CASES.

CONVERSION—MORTGAGE—PROPERTY EXPECTED TO BE INVESTED ON LAND—DEVISE OF REAL ESTATE  
—TRUST TO REINVEST IN LAND.

*In re Cleveland*, (1893) 3 Ch. 244, is a case upon the equity doctrine of conversion. Under a power of sale conferred by statute certain lands in Staffordshire were sold, and the proceeds were in the hands of the trustees upon trust to invest them in lands in England or Wales to be settled upon the limitations of a settlement, under which the Duke of Cleveland was tenant for life, with remainder to his sons successively in tail with remainder to himself in fee. He died without issue, leaving a will, by which he gave all his lands in Staffordshire to trustees upon trusts for the benefit of one family, and all the rest of his estate