

at Stratford, and from the certificate of the Inspector of Titles.

On the 24th November, 1906, Thomas Raycraft filed a petition asking for investigation and a declaration of his title to the south part of the east half of lot 4 in the 1st concession of Morningson.

The matter was referred to the Local Master, who, on the 10th April, 1907, made his report, and mentioned in it a mortgage upon the land, made by James Raycraft, the grantor of the petitioner. in February, 1877, to one John Irwin, for \$900.

After the report was made, the Local Master's attention was called to the fact that there might possibly be an escheat to the Crown of the money in the mortgage mentioned or the mortgaged land. The Master thereupon notified the Attorney-General for Ontario, and on a later day all parties, including counsel for the Attorney-General, appeared before the Local Master. No evidence was offered on behalf of the Crown proving any claim to the mortgage money or any part thereof.

On the 21st November, 1908, the Local Master certified that there had not appeared before him at any time any contestant in regard to the title to the land in question or to any incumbrance or incumbrances thereon, and that on the evidence he found that the Crown had no title or interest in the land.

This certificate was filed, and a certificate of title was afterwards issued by the Inspector of Titles in favour of the petitioner.

The appeals were from these certificates.

E. Bayly, K.C., for the Attorney-General.

R. U. McPherson, for the petitioner.

BRITTON, J.:— . . . An appeal lies from the order or decision of the Inspector . . . : see Rule 1013.

An appeal may be taken from the report of the Local Master at Stratford: see Rules 767-771. . . .

The Crown asks that the certificate of title be subject to the right of the Crown to the land. The Crown, though called upon to do so, will not attempt to prove any claim. Its position is, that, if the mortgagee, John Irwin, died intestate and without heirs, there is a claim on the part of the Crown; that this claim is not barred by any Statute of Limitations; and so the Crown is not bound to prove it, in these proceedings, and that the certificate of title, if issued, should be expressly made subject to the right of the Crown under the mortgage mentioned.

I do not think so. . . .

[Reference to the provisions of sec. 25 of the Quieting Titles Act.]