cil ought to prevail throughout the Dominion in view of the general interests thereof."

For nearly two centuries the policy of England has been to secure the independence of her judges as far as it could be accomplished by making their office "during good behaviour," and a similar view prevailed in the Province of Canada before Confederation. We may well believe therefore, that the first of the above mentioned statutes proposed a policy opposed to that "which in the opinion of the Governor-General in Council ought to prevail throughout the Dominion," thus coming within the second objection above formulated, one which Courts could not entertain, for they have no "view" over the general interests of the Dominion.

The central government could not avoid the responsibility of challenging the dangerous step, and there was in fact no alternative but disallowance, or an arrangement for repeal. But it may be argued that the Act of the ensuing session, after discarding the "during pleasure" clause, was open only to such objections as Courts would deal with, and therefore left to its doom before the judicial tribunals of the country.

The Court of Impeachment was originally composed of "the Chief Justice of Upper Canada, the Chancellor of Upper Canada and the Chief Justice of the Court of Common Pleas." Since that time the Court of appeal for Ontario has been established, and its chief bears the title of "the Chief Justice of Ontario." (J. A. sec. 4.) Whether the change thus and in other respects made in the titles of some of the judges who were *ex officio* members of the Court of Impeachment will necessitate legislation before it can perform its functions, may be open to argument

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We are requested to announce that the library at Osgoode Hall will be open every evening (except during Christmas vacation) from 7.30 to 10 p. m., until 1st March next.

NOTES OF CASES.

PUBLISHED IN ADVANCE BY ORDER OF THE LAW SOCIETY.

SUPREME COURT.

NOVEMBER SESSIONS.

ONTARIO APPEALS.

MERCER (Appellant) v. THE ATTORNEY-GENERAL FOR THE PROVINCE OF ONTARIO (Respondent).

Escheat—Hereditary revenue—B. N. A. Act—Secs. 102 *and* 109.

It appeared from the statement of the case agreed upon by the parties that this was an action brought by the Attorney-General for the Province of Ontario to recover from the defendants the possession of a certain parcel of land in the City of Toronto, being part of the real estate of one Andrew Mercer, who died *intestate* and without leaving any heirs or next of kin, on the 10th June, 1871; and whose real estate, it was alleged, escheated to the Crown for the benefit of the Province of Ontario. Andrew Mercer at the time of his death was seized of the land in fee simple in possession. The action was commenced in the Court of Chancery by the filing of an information on the 28th September, 1878. The information was amended on the 23rd November, 1879, under order dated 21st November, 1878. The defendant, Andrew F. Mercer, demurred to the said information for want of equity, and his demurrer was filed on the 22nd November, 1878. On the 18th November the demurrer was argued before PROUDFOOT, V.C. On the 7th January, 1879, the learned judge made an order overruling the said demurrer.

From this decision the defendant, Andrew G. Mercer, appealed to the Court of Appeal. The appeal was argued on the 23rd of May, 1879.

On the 27th of March, 1880, the said Court of Appeal affirmed the order overruling the said demurrer and dismissed the appeal with costs. Against this judgment and order of the Court of Appeal, the defendant, Andrew F Mercer, appealed to the Supreme Court. The parties agree that the appeal should be limited