

tain hours and in presence of at least two witnesses.

In 1857, the State, by 20th Victoria, chapter 85, resumed the jurisdiction in all matrimonial causes which had formerly been determined by the Church. The powers once vested in the Ecclesiastical Courts, and the Parliamentary prerogative of granting divorces *a vinculo matrimonii* were transferred to the "Court for Divorce and Matrimonial Causes." The Court decrees judicial separations, etc. in its character of successor to the Spiritual Courts and dissolves marriages under the powers given to it by the Statute.

The British Legislature by the establishment of the Court fully recognized the right of a married party to a divorce upon certain grounds and in particular cases.

The Law in this respect having been so fully and so long established in England, would it not be worthy of the consideration of the Dominion Government the advisability of introducing a Bill, by which jurisdiction should be given to the Judges of the Supreme Court or any number of them to determine all cases of divorce—a tribunal of such a character would afford a more speedy and less expensive remedy to an injured party than the present cumbersome and costly appeal to the Legislature, which is often influenced by considerations which do not touch the real question at issue between the parties.

J. H.

NOTES OF CASES.

IN THE ONTARIO COURTS, PUBLISHED
IN ADVANCE, BY ORDER OF THE
LAW SOCIETY.

COURT OF APPEAL.

C. C. Bruce.] [March 22.

BRUCE v. TOLTEN.

Sale of Goods—Acceptance.

In reply to an offer by the defendants for the sale of certain wheat, the plaintiffs telegraphed, "Will take your five cars at 85 cents per bushel," to which the defendants replied by postal card on the 25th July, "Send instructions for the shipment of the five cars, spring." On the 26th, the plaintiff mailed a postal card with instructions, but this was never received by the defendants.

Held, affirming the judgment of the County Court, that the postal card sent by the defendant on the 25th July, amounted to an absolute acceptance and not merely a conditional acceptance should the defendant be satisfied with instructions he might receive as to the mode of shipment.

Robinson, Q. C., for the appellant.

J. A. Boyd, Q. C., for the respondent.

Appeal dismissed.

C. P.] [March 22.

SAMIS v. IRELAND.

Judgment recovered for mortgage debt—Sale of equity of redemption and legal estate thereunder. C. S. U. C. c., 22, sec. 257.

Where the equity of redemption in the mortgaged land, consisting of 25 acres of a certain lot, and also the remaining 75 acres of the said lot, belonging to the mortgagor were sold to the mortgagee under a *fi. fa.* lands issued on a judgment recovered by him for the mortgage debt, and a *fi. fa.* issued out of the County Court upon the transcript of a judgment recovered in the Division Court which was inoperative against these lands, the consideration being to accept the equity of redemption and the freehold for the amount of the two writs.

Held, affirming the judgment of the Common Pleas, that although the sheriff had power under the Statute authorizing the sale of the equity of redemption, to sell the legal