

should be restricted to appeals emanating from England. There is no more reason why any preference should be given in an Imperial tribunal to an English barrister than to a Canadian barrister, but are recognized barristers in the respective parts of the Empire in which they are called, and there is no more reason why, for instance, an Australian appeal, or a South African appeal, should be argued by an English barrister than by a Canadian.

CHARITABLE USES.

The law of charitable uses is sadly in need of being reduced to a little better order than it is in at present.

The Imperial statute, 9 Geo. 2, c. 36, has been repeatedly held to be in force in Ontario by a long series of decisions; but its provisions are assumed to have been very materially modified by R.S.O. c. 112, s. 8: see *Manning v. Robinson*, 29 Ont. R. 485; and *In re Brown, Brown v. Brown*, 32 Ont. R. 323. That section enacts that money charged or secured on land or other personal estate, arising from or connected with land shall not be deemed to be subject to the provisions of the statutes known as the Statutes of Mortmain or of Charitable Uses as respects the will of a person dying on or after the 14th day of April, 1892, or as respects any other grant or gift made after the said date.

This section is derived from the English Act, 54 & 55 Vict., c. 73, s. 3, where it appears as part of a definition of the word "land," and the references therein to the "Mortmain and Charitable Uses Act, 1888" is perfectly proper, but the adoption of similar language in the Ontario Act is certainly inartificial, and may perhaps be not so appropriate. The English "Mortmain and Charitable Uses Act, 1888" was, inter alia, a consolidation and revision, of 9 Geo. 2, c. 36, but in Ontario we have no statutes known officially as "the Statutes of Mortmain," except certain old English statutes passed long prior to the reign of George 2. 9 Geo. 2, c. 36, is entitled "an Act to restrain the disposition of lands whereby the same become unalienable" and is sometimes called the Mortmain Act, but the text writers do not seem to be agreed as to whether it should or should not be so called. Tudor in his *Charitable Uses* refers to it as commonly though inaccurately called "The Mortmain Act," whereas Bristowe, the editor of Tudor's book, thinks that it is proper to call