

## MORTGAGES AND TRADE FIXTURES—THE FRANCHISE ACT AND THE PROFESSION.

zinc oxide on leasehold premises; and for the purposes of their trade erected cupola and other furnaces, which, as between them and their landlords, were admittedly trade fixtures. In 1880 the Company conveyed the lands and premises comprised in its lease by way of mortgage to trustees for debenture holders. In 1883 the company executed a second mortgage to trustees for a second set of debenture holders, which comprised, besides the land and buildings, all stock in trade, stock of ores, and loose plant and material. In the course of smelting metals for the company's business small quantities of gold and silver were given off in the form of vapour, and became imbedded in the bricks lining the furnaces. The first mortgagees having sold, the second mortgagees thereupon took proceedings to be allowed, to enter and remove the gold and silver and other metals imbedded in the furnace bricks, which it was claimed were included in the second mortgage and not in the first; although it was admitted that the metals could not be extracted without pulling down the furnaces and pounding up some of the bricks. Mr. Justice Pearson, however, had no difficulty in dismissing the application on the ground that the doctrine of trade fixtures has no application between mortgagee and mortgagor, and that whatever might have been the right of the company as against their landlord, the first mortgagees were entitled to everything that the mortgagors, intentionally or not, and whether for trade purposes or otherwise, had fixed to the mortgaged premises.

The case of *Landers v. Davis*, 15 Q. B. D. 218, however, shows that though the doctrine of trade fixtures may have no application between a mortgagee and mortgagor, yet that a tenant of the mortgagor may be entitled to claim the benefit of that doctrine as against the mortgagee, even though his lease were created subse-

quently to the mortgage. We confess, however, that we have some doubts as to the soundness of the latter decision.

THE Franchise Act of the Dominion Parliament has been discussed *ad nauseam*. We do not propose to refer to it, but merely quote some pertinent observations of Hon. Mr. Senator Gowan in the course of his speech on the subject in the Senate, wherein he alludes, in becoming terms, to the endeavour on the part of some to cast suspicion upon the honour of a profession, which, as a body, would be a credit to any country:—

"An incredible thing has been broadly asserted with all the bitterness of party expression, that the object of the Bill was to enable the Government to appoint pliant partisans for corrupt purposes, and wretched creatures would be found in the several provinces of the Dominion to act as willing tools for that nefarious purpose. I do not think I state too strongly the inference of what was said—said, I must think, in frenzy of political prejudice. But I cannot see how a reasonable man, not hurried into absurd extremes, could think so. If the Government aimed at any such thing the office would be made at pleasure, but the thing is too absurd to dwell upon. I have entire confidence that the present Government will make the best appointments possible, and with the object of securing a just and honest administration of the law; and I will go further and say that I believe if the present Opposition held the reins of Government to-morrow their Government would be just as incapable of acting on such vicious principles. What hope would there be for the future of the country if our public men were capable of such conduct: inducing a judge sworn to the faithful discharge of his duty to violate his oath, and, oblivious to every principle of manhood and Christian duty, to favour a political friend? . . . The talk I have referred to presupposes that members of the Bar would be found willing to sacrifice all that a man holds dear at the beck and nod of a Minister. I can scarcely bring my mind to believe that anyone seriously entertains the idea. I indignantly repel