Statute, and came to an opposite conclusion. The law has been settled in this Province, in a case not cited in the *Revue* (*Re Thomas*, 15 Gr. 196) that the want of assets is no reason why the case should not fall within the scope of the Act.

A gift for life of consumable articles with a limitation over, in a testamentary instrument, is usually held to vest in the donee the absolute ownership. There have been conflicting decisions as to the effect of such a gift in the case of farm-stock. But lately the Master of the Rolls has held (in *Cockayne* v. *Harrison*, 20 W. R. 504) 8 C. L J. N. S. 219, that the subject of such a bequest being in the nature of stock-in-trade, only a life-interest passed as to so much of the stock as was of a consumable nature, and that the gift over was operative.

It has been held in Chambers by Mr. Justice Gwynne in *Jameson* v. *Kerr*, that goods may be replevied out of the hands of a guardian in Insolvency, notwithstanding the provisions of Con. Stat. U. C. cap. 29, sec. 2. This is an important decision. The same point has arisen in Nova Scotia, but has not yet been decided, so far as we have heard.

STAMP OBLITERATORS.

The Government of Ontario propose doing a good deed in the working of Division Courts, which we are glad to notice, especially as it chimes in with what we have always contended for, namely, that every convenience should be given to officers in performing their duties, and that they should not be taxed to provide, as they have been, not merely conveniences but even necessaries.

Those who are acquainted with the practical working of the Courts, know the difficulty of making headway with business during the sittings, when the Judge has to see stamps put on the papers and cancelled in his presence. They will therefore appreciate the act of the Attorney General in ordering obliterators for the use of clerks, thereby saving the time of judges, officers, suitors and witnesses. The County Judge of Simcoe was so impressed with the necessity of some such labor-saving and time-saving machine, that he got at his own expense some instruments for cancelling stamps, which, though rather roughly constructed, nevertheless answered the purpose, and were found of the greatest service.

"CAUSE OF ACTION"—WHERE IT ARISES.

Mr. Harrison in his commentary upon the 44th section of the Common Law Procedure Act (as Consolidated), remarks that much difficulty has arisen about the meaning of the words "Cause of action" contained in that section. The difficulty has, of late, been much increased by the various conflicting decisions of the English Courts upon the corresponding sections of their statute, *i.e.*, the 18th and 19th of the C. L. P. Act of 1852. The result of this conflict is briefly this: the English Common Pleas holds that the statute includes a case where the whole cause of action, technically speaking, has not arisen within the jurisdiction, but where such an act has been done on the part of the defendant, as in popular parlance, gives the plaintiff his cause of complaint. The Queen's Bench holds precisely the opposite of this, namely, that the *whole* cause of action and not merely the act or omission which *completes* the cause of action, must arise within the jurisdiction, in order that the language of the statute may be fully met. The Exchequer has occupied a somewhat intermediate position, and some of its decisions have been, so to speak, of an uncertain sound Thus *Fife* v. *Round*, 30 L. T. R. 291, is in accord with the holding of the Common Pleas, while the later case of *Sichel* v. *Borch*, 2 H. & C. 954, agrees with the view of the Queen's Bench—though it is to be observed that the court does not advert to its former contrary decision. In the last-reported case in the Exchequer, *Durham* v. *Spence*, L. R. 6 Exch. 46, a majority of the judges adopted the views of the Court of Common Pleas, as expounded in *Jackson* v. *Spittall*, L. R. 5 C. P. 542, and held that the "cause of action" referred merely to the act or omission constituting the violation of duty complained of, and creating the necessity for commencing the action. Kelly, C.B., strongly dissented and upheld the interpretation given of the words by the Queen's Bench. Subsequent to *Durham* v. *Spence*, the only other case reported is that of *Cherry* v. *Thompson*, (in the Queen's Bench) 26 L.T.N.S. 791, where all the judges—Cockburn, C.J., Blackburn, Lush and Quain, J.J.—unanimously affirm the construction put by their court upon the statute.

Thus the practice stands in about as great confusion as once obtained upon the question