

the provisions of those sections, and that, therefore, the rule under which the mortgagee gets the benefit of any accretion to the security did not apply.

Held, on appeal, *per* HUNTER, C.J., and IRVING, J., MARTIN, J., dissenting, reversing the decision of DUFF, J., that there was no estate of any kind reserved out of the land itself, but that the expression "merchantable timber" is to be understood in the sense that a lumberman would understand it, *e.g.*, as not including the roots or stumps which would be left in the ordinary course of logging, and therefore that the reservation was nothing more than a reservation of a profit a prendre in gross, which the Crown could have granted over in fee or for any lesser estate either to the owner of the land or to any other person as it saw fit: that the cancellation of the reserve operated either as a release or a grant of the right in gross to the owner of the land, and that from either point of view when this event happened the owner became possessed of both the land and the profit which issued out of it and therefore the profit became extinct and the timber fell into the inheritance, becoming in law what it had always been in fact, part of the land which had been pledged to the mortgagees: *Herlakunden's Case*, 2 Coke's Reports 443; also Leake's Usage and Profit of Land (1888), p. 359. The reserve mentioned in the Crown grant was merely a license to enter and cut, and not a reservation such as that in *Stanley v. White* (1881) 14 East. 343.

Reid, for appellants (plaintiffs). *Macdonell*, for respondents (defendants).

Book Reviews.

We have received the first volume of the new series of the *Lawyers' Reports, Annotated*, a publication which, from its inherent excellence, is taking a leading place in the literature of case law. This excellence consists in the selection of the cases to be reported and noted, in the treatment of this material and in the convenient and systematic way in which the result is laid before the reader. The L.R.A. seem to have succeeded in blending the good points of reports, digests and text books into one series, so as to make as far as possible an all-comprehensive and convenient library of the law. These volumes are in