

an account of back rents against the devisee, who has been in possession, when the land is insufficient to satisfy the legacies. The learned judge held that a legatee in such circumstances stands in no higher position than a mortgagee who has not entered into possession, and therefore that he was not entitled to the account of the back rents.

AUCTION—FICTITIOUS BIDDING BY STRANGER—SALE BY COURT—SETTING ASIDE SALE—
TEXT-BOOKS AS AUTHORITIES.

Union Bank v. Munster, 37 Chy. D. 51, was an action brought for specific performance of a contract for the purchase of certain land which had been offered for sale under the order of the court in a mortgage action. The defence was, that a stranger had at the auction made, at the instigation of the mortgagor, a fictitious bid, whereby the defendants had been induced to bid a higher price than they otherwise would have done. Kekewich, J. held this was no defence, and in the course of his judgment makes some noteworthy remarks on the citation of text-books as authorities. The argument of the defendants' counsel was mainly based on a passage in Fry on Specific Performance, and he says: "It is to my mind much to be regretted, and it is a regret which I believe every judge on the bench shares, that text-books are more and more quoted in court. I mean, of course, text-books by living authors, and some judges have gone so far as to say that they shall not be quoted. In the preface to this very book we have a warning against it by the learned author himself. I cannot forbear from quoting the words: 'There is one notion often expressed with regard to works written or revised by authors on the bench, which seems to me in part at least erroneous, the notion I mean that they possess a *quasi* judicial authority,' and then he gives a reason which must commend itself to all students why that notion is erroneous."

Reviews and Notices of Books.

Acts of the Legislatures of the Provinces now comprised in the Dominion, and of Canada, which are of a public nature, and are not repealed by the Revised Statutes of Canada for the reasons set forth in Schedule B to the said Revised Statutes.

In the paper respecting the Revised Statutes of Canada, signed "W.," and printed in the number of this journal published on the 1st of June, 1887, after giving an account of the inception and completion of that work, and its contents, and of the schedules appended to it, and their use in connection with it, we referred more especially to schedule B, headed: "Acts and parts of Acts, of a public general nature, which affect Canada, and have relation to matters not within the legislative authority of Parliament, or in respect to which the power