

a married woman a certificate of discharge of mortgage, to require compliance with Con. Stat. ch. 85: and neither where the woman is entitled to the moneys to her separate use, nor even in the few and exceptional cases wherein she is not, would such compliance appear to have been requisite. Under Con. Stat. ch. 73, she is to 'have, hold and enjoy,' free from the control and disposition of her husband as fully as if unmarried. She would be competent to receive, and give a receipt, as a *feme sole*, for her moneys, and the form of discharge given by the Registry Act is but a receipt in writing, though the Act gives it when registered, and not till then, the effect of a reconveyance. The receipt then works a reconveyance by operation of law, by force of the Registry Act; in itself it does not profess to convey. If the view of the author be correct, then the Act has considerably encroached on the rights given to a married woman by Con. Stat. ch. 73, and practically placed the obtaining of her mortgage moneys under the control of her husband."

We commend to the notice of solicitors engaged in the investment of money the remarks on fire insurance in connection with mortgages, also those with reference to powers of sale in mortgages. The statutory power can scarcely be said to be as perfect as it might be. It is a great pity that a provision which has been found of so much practical benefit, should be open even to the criticisms to which it is here subjected. Powers of sale are more and more used every day, and whether or not the form in the act respecting short forms of mortgages is defective (and it certainly is so in some respects), we cannot now well do without some provision of the kind. Probably the legislature may at an early day remedy the defects for the future, and possibly, where it can be done without injustice, confirm proceedings *bona fide* had under it heretofore.

The last chapter treats of memorials as evidence, already spoken of, and with which many are already familiar, through the pages of this *Journal*. It is a masterly article; the author's treatment of the subject having more than once been referred to from the Bench in the most complimentary manner.

The volume concludes with an appendix, giving in full the important cases of *Finlayson v. Mills*, 11 Grant 218, on the law of merger, and *Moore v. Bank of British North America*, 15 Grant, 308, as to constructive notice under the Registry Act, &c., also the letter of H. Bellenden Ker, Esq., addressed to the Lord Chancellor in 1845, on the Imperial Act

of 7 and 8 Vic., cap. 75, "for simplifying the transfer of property," a valuable adjunct in thoroughly appreciating our statute as to the transfer of real property, which, by the way, was mainly taken from the Imperial Stat., 8 and 9 Vic., cap. 106, framed by Mr. Ker.

Such is a short and necessarily imperfect sketch of Mr. Leith's first volume. What we here have only gives us a taste for more. The reputation of Mr. Leith as a real property lawyer is so well established, that the mere fact of his having written the book before us with his usual care and caution, is, one would imagine, sufficient to command a large and ready sale. But further than this, as we are all interested (selfishly, it must be admitted,) in the success of this volume now in print, we sincerely hope that he will receive sufficient encouragement to induce him to continue his labours, by completing the important work he has undertaken. We have now endeavoured, poorly though it may be, to do *our* share, let others do theirs, and not allow the talent we have in our midst, whether it be that of the author of this volume, or that of any other deserving author, lie dormant from want of this material assistance and encouragement, which, though they expect and ask it not, is theirs of right, and necessary to its full development.

THE ALBION, 39, Park Row, New York.

We gladly welcome week by week this "journal of literature, art, politics, finance and news." It seems to have taken a new lease of life, coming out with all the vigor of its palmist days, and that is saying a good deal.

Judging from the following notice to subscribers, which appeared in it some short time since, we presume there is some fear on the part of those "Will-o'-the-wisp" personages of entrusting their precious mites to the tender mercies of post office authorities, thus:— "Subscribers in the United States and the Dominion are informed that they may remit money with perfect safety, and at the risk of this office, by registered letter, thus saving the trouble and expense of other methods of remittance." We commend this notice to *our* readers also, and can assure them that so far as we are concerned they need have no delicacy in making use of the post office in the same way for our benefit and at our risk.