

CORRESPONDENCE—FLOTSAM AND JETSAM.

stances an action could be brought upon a covenant until the lapse of twenty years.

In *Sutton v. Sutton*, 22 Ch. Div. 511, the Court of Appeal in England held that when a mortgage became extinguished after the lapse of twelve years from the time it became payable the personal covenant of the mortgagor contained therein was also extinguished with the debt, though in the case of an action brought upon the ordinary covenant of the debtor the creditor would have the full period in which to bring his action. *Pearnside v. Flint*, 22 Ch. Div. 579, merely states the law to be that it makes no difference whether the covenant in aid of the mortgage debt is contained in the same instrument or in a separate instrument, and that the same result follows. From these decisions we may infer that while in ordinary cases an action may be brought upon a covenant within twenty years from the maturity of the debt, yet when the covenant is in aid of a charge upon lands it ceases to have validity the moment the right to enforce the charge ceases to exist. If this view of the law be correct, no doubt *Allan v. McTavish* was not well decided. Strange to say, Chief Justice Moss in the latter case refers to *Hunter v. Nockolds*, and, I think, fails to appreciate the effect of the decision, and seems to have supposed that this latter case decides that an action may be brought upon the covenant in aid of a rent charge, after the charge was deemed to be satisfied by the statute in question, although the case decided directly the contrary. However *Boyce v. O'Loane* is well decided, as there is nothing in the case to indicate that the judgment there referred to had ever been made to charge upon lands by means of a *fi. fa.*, and Moss, C.J., expressly says on page 173: "Having regard to the ordinary meaning of the language, and to the opinions I have quoted, the conclusion would seem to be that if there were no judgments operating as charges upon lands the section did not affect judgments at all—in other words, that there was no subject-matter to which that part of the section was applicable, and that no period of limitation was prescribed for judgments not forming a charge upon lands."

It is not amiss to point out that at one time judgments in this province were by means of certificates given by the officer who entered the judgment and the registration of such certificates available against the lands of the debtor without the aid of a writ of *fi. fa.* lands. See section 275, cap. 22 Con. Statutes of U. C.

W. H. McCLIVE.

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INTERRUPTIONS OF COUNSEL.—The Irish bull is sometimes introduced into this country with the most gratifying effect. Baron Dowse, of the Irish Exchequer, let loose some famous specimens when he sat in the House of Commons. Replying to a question relating to some sectarian celebration in Derry, he is reported to have said: "These celebrations, sir, take place at an anniversary, which occurs twice a year in Derry." The other evening we encountered an equally well-developed example of the bull. A member of the English Bar, an Irishman, well known in society for his many amiable qualities, was discussing a current topic with considerable animation. He was occasionally interrupted by one of the company, and at length became irritated, he addressed his friend with much dignity, and said: "You can interrupt me, sir, when I'm done spaking."—*Pump Court*.

LITTELL'S LIVING AGE. The numbers of the *Living Age* for February 5th and 12th contain, "China," by the Marquis Tseng, *Asiatic*; "Jubilee Reigns in England," *National*; "The Zenith of Conservatism," by Matthew Arnold, and "Rural Life in Russia," *Nineteenth Century*; "Benvenuto Cellini's Character," by J. Addington Symonds, and "The Present Position of European Politics," *Fortnightly*; "The Land of Darkness," *Blackwood*; "The Seventh Earl of Shaftesbury; Incidents in his Life and Labours," *Leisure Hour*; "Some Recollections of Charles Stuart Calverley," *Temple Bar*; "French Finance," "Pio Nono's Will," "Lord Iddesleigh," and "The Progress of Savage Races," *Spectator*; "An Ancestor of the Czar," and "Farm Life in the North a Century Ago," *St. James' Gazette*; "Some Narrow Escapes," *All the Year Round*; "Ipecacuanha Cultivation in India," *Nature*; "The Excavation of the Great Sphinx," *Times*; "On a Jury," *Globe*; with instalments of "The Strange Story of Margaret Beauchamp" and "Richard Cable, the Lightshipman," and poetry.

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