

EDITORIAL NOTES.

than are presented in the various judgments of the many judges who have passed upon the questions of lateral support involved in this case.

Some little caution is required when dealing with growing crops, as certain mortgagees found to their cost in the case of *Re Phillips* (L. J. notes, p. 130.) By a bill of sale a farmer mortgaged to a bank his furniture, growing crops, etc. The bill of sale was not registered. The farmer became insolvent and a trustee was appointed to his estate. The bank claimed to seize some of the crops which had been cut and stacked. This claim the trustee disputed, on the ground of the non-registration of the bill of sale. The decision was in favour of the trustee, the Court on appeal saying that growing crops, being an interest in land, passed with the land by the deed; and the deed conveying them did not require registration. The mortgagor being left in possession, the rents and profits of the land, by the ordinary law, belonged to him; and he was justified in cutting the crops. But when the crops were cut and severed, they then became chattels; and to entitle the bank to claim then in that character, the deed should have been registered; but, not having been so registered, was void as against the trustee.

Law Reformers are as busy in England projecting their plans as is Attorney-General Mowat. One of their manifestoes which we have noticed is much more attractive reading than the "Proposed Judicature Bill printed for consideration only," which has been lately sent round to the professional public of Ontario. The English pamphleteer refers to the inquiry had two sessions ago before the committee on land titles and transfers, whereat was thoroughly exposed and reproached the base fee, that monstrous off-spring of the estate tail. He then observes that its subtle and mischievous working has been exhibited more lucidly and artistically than he can hope to do in the pages of "Felix Holt."

It is proposed to assimilate freehold with leasehold tenure. The suggestion is to convert the fee simple of land unsettled at the passing of the Act into a term of 10,000 years; and a contemporary remarks, that the gentleman who drafted the bill, "with a happy assertion of permanence for his work, is careful to provide that the term on its expiration shall be renewed." By this one stroke the draftsman would abolish primogeniture, put real estate on death in the hands of the personal representative, and abolish entails. The *Law Journal* continues:—"To foresee all the results, or even all the important results, of turning realty into personalty requires a comprehensive grasp of the situation, of which we imagine no human brain is capable. Even lawyers shrink from such a leap in the dark; and it can hardly be expected that the Legislature, even if it desires the obvious changes intended, will commit itself to so sweeping a proposition, the effect of which is confessed to be beyond conception."

It is also proposed to abolish the Statute of Uses, which the Duke of Norfolk (*temp.* Hen. VIII) declared to be the worst act ever passed. There is suggested the remodelling of the present modes of limitation of estates and abolishing the *habendum*, which is not only clumsy but ungrammatical, in consequence of a time-honored mistranslation from the Latin, produced by ignorance of the force in that language of the dative used as an ablative. Thus the Latin form would be a conveyance of "*unum messuagium Johanni habendum predicto Johanni*," which last three words ought to have been rendered into "to be held by the said John," but have been absurdly turned into "to hold to the said John." To treat the "*habendum*" after this fashion is almost as shocking in its way as was the flippancy of that gentleman who, according to Sidney Smith, spoke disrespectfully of the North Pole.