

## DIARY FOR OCTOBER.

- |                   |  |
|-------------------|--|
| 1. Monday .....   | } Last day for notice of Examination in Chancery, Hamilton and Brockville. County Court and Surrogate Court Terms begin. |
| 2. Tuesday .....  |  |
| 6. Saturday ..... | Chancery Examination Term, London and Belleville, begins. County Court and Surrogate Court Term ends.                    |
| 7. SUNDAY .....   | 18th Sunday after Trinity.   |
| 8. Monday .....   | } Toronto Fall Assizes. Last day for notice of Examination in Chancery, Barrie and Ottawa.                               |
| 9. Tuesday .....  |  |
| 14. SUNDAY .....  | 19th Sunday after Trinity.   |
| 15. Monday .....  | Last day for notice of Examn in Chancery, Barrie & Ottawa.   |
| 16. Tuesday ..... | Chancery Examination Term, Hamilton and Brockville, begins.  |
| 21. SUNDAY .....  | 20th Sunday after Trinity.   |
| 22. Monday .....  | } Last day for notice of Examination in Chancery, Goderich & Cornwall.   |
| 23. Tuesday ..... |  |
| 28. SUNDAY .....  | 21st Sunday after Trinity.   |

## IMPORTANT BUSINESS NOTICE.

Persons indebted to the Proprietors of this Journal are requested to remember that all our past due accounts have been placed in the hands of Messrs. Fulton & Ardagh, Attorneys, Barrie, for collection; and that only a prompt remittance to them will save costs.

It is with great reluctance that the Proprietors have adopted this course; but they have been compelled to do so in order to enable them to meet their current expenses, which are very heavy.

Now that the usefulness of the Journal is so generally admitted, it would not be unreasonable to expect that the Profession and Officers of the Courts would accord it a liberal support, instead of allowing themselves to be sued for their subscriptions.

TO CORRESPONDENTS—See last page.

## The Upper Canada Law Journal.

OCTOBER, 1860.

## NOTICE TO SUBSCRIBERS.

As some Subscribers do not yet understand our new method of addressing the "Law Journal," we take this opportunity of giving an explanation.

The object of the system is to inform each individual Subscriber of the amount due by him to us to the end of the current year of publication.

This object is effected by printing on the wrapper of each number—

1. The name of the Subscriber. 2. The amount in arrear. 3. The current year to the end of which the computation is made.

Thus "John Smith \$5 '60." This signifies that, at the end of the year 1860, John Smith will be indebted to us in the sum of \$5, for the current volume.

So "Henry Tompkins \$25 '60" By this is signified that, at the end of the year 1860, Henry Tompkins will be indebted to us in the sum of \$25, for 5 volumes of the "Law Journal."

Many persons take \$5 '60 to mean 5 dollars and 60 cents. This is a mistake. The "60" has reference to the year, and not to the amount represented as due.

## BILLS OF SALE, &amp;c.

## Description of Chattels intended to be conveyed, &amp;c.

As our law now stands, every sale, as well as every mortgage of goods and chattels, not accompanied by an immediate delivery and an actual and continued change of possession of the goods and chattels sold or mortgaged, must be in writing; and that writing is required to be a conveyance, under the provisions of the act entitled "An Act respecting mortgages and sales of personal property." (Consol. Stat. U. C. cap. 45, p. 452.)

Every conveyance under the act, whether for the sale or

the mortgage of goods and chattels, is required "to contain such full and sufficient description thereof, that the same may be thereby readily and easily known and distinguished." (Sec. 6.) Each word of this clause is pregnant with meaning, and yet it is most difficult in practice to give effect to the meaning intended.

It is not only necessary that the description should be full and sufficient, but it must be such a full and sufficient description that the goods and chattels intended to be conveyed may be thereby readily and easily known and distinguished.

Had the requirement been merely that the description should be "full," much difficulty would have been experienced in giving a proper definition of the word as applied to the description of goods and chattels in a written document; but when the description must not only be full, but so full that the goods and chattels may be thereby readily and easily known and distinguished, the difficulty is increased. The idea conveyed in the word "full," is generally that of quantity; but in order that the particular quantity of articles may be known and distinguished, we must have not simply quantity but quality, and not simply quantity and quality but in many cases nature and value in addition.

Let us take an example. Suppose goods and chattels to be described as "10,000 feet of lumber." Certainly we have quantity, but in what manner is this quantity of lumber to be readily ("easily" we take to mean the same thing, and therefore drop it) known and distinguished? How can we distinguish it from other lumber without describing its quality?

Inasmuch as the nature of the commodity, namely, lumber is described, we are able to distinguish it from all other commodities of a different kind, but the question arises how are we to distinguish it from all other commodities of a like kind? *Id certum est quod certum reddi potest.* If a reference to locality were in the description some of the difficulty would disappear. Suppose the description to be "10,000 feet of white lumber in the lumber yard of C. D., on the north side of King Street, in the City of Toronto." In this case any one in doubt as to the actual lumber conveyed could by an examination of the article itself the better enable himself to know it and so distinguish it from other lumber of a like kind. Even if this were done however there would be still uncertainty. It is quite as difficult to distinguish one plank from another as to distinguish one log from another even by personal inspection. We are driven to the conclusion that no positive rule can be laid down as to the correct interpretation of the enactment in question. All that can be done is in every instance to describe the articles intended to be conveyed