

the actual seizure of the money by the sheriff and here there having been no actual seizure in the debtor's lifetime, it was not bound by the writ after his death as against the trustee in bankruptcy who was entitled to the money as he claimed—Buckley, L.J., though agreeing, does so with hesitation—and we should say with good reason. How far the decision is applicable in Ontario seems doubtful.

**CHEQUE—FORGED INDORSEMENT—PAYEE—FICTITIOUS PAYEE—
BELIEF OF DRAWER—BILLS OF EXCHANGE ACT, 1882 (45-46
VICT. C. 61) S. 7, SUB-S. 3—(R.S.C. C. 119, S. 21(5).)**

In *Macbeth v. North and South Wales Bank* (1908) 1 K.B. 13 the Court of Appeal (Lord Alverstone, C.J., and Buckley and Kennedy, L.J.J.) have affirmed the judgment of Bray, J., (1906) 2 K.B. 718 (noted ante. vol. 43. p. 13). The facts of the case were briefly as follows. One White falsely represented to the plaintiff that he had agreed to purchase from one Kerr certain shares, and had arranged to resell the shares at a profit, and induced the plaintiff to give him a cheque on the Clydesdale Bank in favour of Kerr for the purchase money for the shares. White, instead of handing the cheque to Kerr, forged his name to the indorsement of the cheque which he then deposited in the defendant bank, which collected the amount from the Clydesdale Bank. It turned out that White had made no agreement to purchase the shares from Kerr and that Kerr as a matter of fact owned no such shares. The Court of Appeal agreed with Bray, J., that Kerr could not be said to be a "fictitious person," within s. 7, sub-s. 3, of the Bills of Exchange Act 1882 (R.S.C. c. 119, s. 21(5)), and therefore that the defendant bank was liable to the plaintiff for the amount of the cheque which they had received upon the forged indorsement.

**EASEMENT—LIGHT—LESSEE ENTITLED TO EASEMENT—REVERSION
OF DOMINANT TENEMENT CONVEYED TO OWNER OF SERVIENT
TENEMENT—UNITY OF SEISIN—EXTINGUISHMENT OF EASE-
MENT—PRESCRIPTION ACT, 1832 (2-3 WM. IV. C. 71), S. 3—
(R.S.O. C. 133, S. 36.)**

In *Richardson v. Graham* (1908) 1 K.B. 39 the Court of Appeal (Lord Alverstone, C.J., and Buckley and Kennedy, L.J.J.), following the recent decision of the House of Lords in *Morgan v. Fear* (1907) A.C. 425 (noted ante, p. 29) held, that