

ence. The question is whether the rule applies to transactions outside of litigation. Indeed, so slight is the difference between a solicitor acting for one of the parties and where acting for all the parties that it is not likely that in a matter before the Courts, with a solicitor acting for all the parties, an affidavit sworn before him would be received. The difficulty is not confined to chattel securities, for, should the decision be sound, may it not be argued that it also applies to real estate mortgages. It will be seen that the wording of the rule and the section of the Act in England is practically identical with those in force in Ontario, so that it is difficult to avoid the force of the application of the decision. In *Vernon v. Cook* it was freely stated that to hold the affidavit defective would upset a great number of instruments supposed to be valid, and reference to the custom of English Solicitors shows that practice there is similar to that in Ontario. The report given in another column is taken from *The Law Journal* (Eng.), but as yet we cannot find any other report of it either in our exchanges or on the files at Osgoode Hall. After the recent case before Judge McDougall, where an unsuccessful attempt was made to invalidate a chattel mortgage because the commissioner taking the affidavit described himself as "a commis-

sioner, etc., merely, the case here treated of will be of interest. It is to be hoped that on appeal there will be a reversal. Legally considered it does not look like sound law, and on the merits it does not lean towards justice, but is a move towards red tape law.

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#### The Holiday Season.

Some one has been asking why we had not any reports of Ontario cases last month. We are very sorry, but just then there were none to be had—even in hot-houses. Like the provision merchants with "Fish and Fruit in Season," we can only give our readers the delicacies of the particular time of the year, and we cannot get Ontario cases in vacation. We had not even any left over since June. *The Barrister* does not keep any stale goods in stock. We had, however, some very choice material from England, where, even in these warm times, litigation seems to keep right on notwithstanding the fine weather for golf and boating.

#### Lord Russell of Killowen.

Such elaborate reports have appeared in the daily papers of the tour of the Lord Chief Justice of England and party, that we do not consider it necessary to give any particulars here. In Toronto every effort was made to offer such courtesies as were possible with a flying visit. The Benchers of the Law Society