

of knowledge as to laws which all are supposed to know as soon as they receive the Royal assent; and that if money has to be raised for public uses, some other means than the profit on the sale of the statutes should be found for that purpose.

The acts which are of special interest have already been referred to by us, and many of them copied at length in a former number.

As to the general appearance of the volume now before us, notwithstanding the warning given in the 13th sec. of the act already referred to, we confess to having been rather startled at the gorgeous display of red and gold which it presents. We might be almost induced to say that the edition had been "got up regardless of expense," were it not that the proverbial economy of our present local administration precludes the possibility of such a thing. A closer examination would lead one to think that the new binding is very good in its way, the material being similar to that used in the less imposing statute books of the Dominion and the Province of Quebec, (which latter is by the way the same in appearance as the old volumes, with the exception of the colour of the label on the back.) We fear, however, that the red colour will be apt to become shabby sooner than the old kind. We should recommend a change in the lettering on the back of the next volume, as that on the present one is too much like that used for cheap editions of city directories and the like.

We regret that the very common difficulty of obtaining a good index has not been overcome in this case. There was a warning given by the most defective index to the Consolidated Statutes. But the compiler of the one before us appears to have forgotten one of the most obvious requisites of an index. This mistake will doubtless be avoided in future.

#### DEATH OF MR. HEYDEN.

It is with much regret that we announce the death of Lawrence Heyden Esq., Clerk of the Crown and Plea, Queen's Bench, at his residence on Bloor Street, Toronto, on Saturday last the 20th inst., in the sixty-fifth year of his age.

His health had been failing for some months past, but none expected that his death was so near at hand.

The loss of such an estimable man and efficient officer will be felt by numbers both inside and outside the profession, and it will be long

before those who had the pleasure of knowing him will forget his courteous and kindly manner, his uprightness and integrity in the discharge of his duties, and the attentive way in which his duties were performed.

R. G. Dalton, Esq., Barrister, has been appointed to fill the vacancy. We are happy to be able to congratulate the Ontario government on the happy selection they have made, and their promptitude in making it.

Robert M. Boucher, Esq., Judge of the County Court of the County of Peterborough, died on Tuesday, the 30th June last, after an illness of some months. He was comparatively a young man, and was appointed County Judge on 7th April, 1858, under Sir Edmund Head's administration.

### SELECTIONS.

#### FIXTURES.

The distinction between this case, *Boyd v. Shorrocks*, 16 W. R. 102, and *Hutchinson v. Kay*, 5 W. R. 341, 23 Beav. 413, appears to us to be rather refined. In the latter there was an assignment of a mill with the engines, &c., and all the machinery, fixtures, and effects, fixed up in and attached and belonging to the mill and it was held that looms, the feet of which rested in cups let into the floor, were not fixtures, so as to pass without registration, on the ground that they were not furniture properly belonging to the mill, but liable to be changed from time to time according to the purpose for which the mill was used, as spinning, weaving, &c. In the former a mill with all the looms and other machinery fixed or moveable was assigned, and it has been held that looms, two of the legs of which were pegged down by ordinary nails driven through holes in the loom-feet into plugs of wood let into the flooring passed as fixtures. The difficulty of removal in this case would have been so slight, and the connection with the building was so little more than nominal, that so far as the element of intention is material, we cannot find any reasoning which would not equally apply to both cases, and it could hardly be doubted that the arrangement of the looms was, and was intended to be as permanent in one case as in the other. In an Irish case, *Re Dawson Tate, & Co.*, reported in last week's number of the *Weekly Reporter*, *Boyd v. Shorrocks* seems to have been followed. Power looms fastened by iron spikes let into the tiled flooring of the mill being treated as passing under an assignment in similar terms. Perplexing as the decisions in our own courts often are on this subject of fixtures, American judges appear to have found even greater difficulty in dealing with it, and one of them not long ago, in an elaborate judgement, held that as the moveable parts of fixed machinery were conceded to be fixtures, so the rolling stock of a railway, being only capable of travelling along the fixed rails and useless apart from them, must