

wording of the Act appears to be perfectly obvious, viz., that its object is to protect persons acquiring interests on the faith of the facts as disclosed on the registry books. If after the defendant had procured the discharge of the mortgages, and while the absolute title appeared to be vested in Margaret, the plaintiff had contracted for his lien, then he would have been a "subsequent" purchaser and the section would have applied; but having obtained his lien before the mortgages were discharged, and not having in any way contracted, or altered his position, on the faith that they were discharged, we venture to think it is impossible for him to claim the benefit of section 76. Neither does section 82 help the plaintiff; that section says: "Priority of registration shall prevail unless before the prior registration there has been actual notice of the prior instrument by the party claiming under the prior registration." The defendant's claim was based on the prior mortgages, which, as he claimed, though discharged in form were nevertheless still subsisting in equity, and of course the plaintiff was not in a position to deny notice of them; besides they were registered prior to his own lien and, under this section, if not effectually discharged in equity as encumbrances, this section assisted the defendant and not the plaintiff. The words of section 83 may at first sight appear somewhat more difficult to reconcile with the view we are contending for. The material point of it is as follows: "No equitable lien, charge, or interest affecting land shall be deemed valid in any court in this province as against a registered instrument executed by the same party, his heirs or assigns," etc. It may be asked, who is "the same party" referred to in this section? We think the answer must be the party creating the equitable lien, etc. If so, in the case in point Margaret is not the person who created the defendant's equity, but the mortgagees, who by their discharge reconveyed the property to her, and therefore it appears to us this section does not assist the plaintiff. We do not think that there are any other sections in the Registry Act material to the discussion, and apart from the Registry Act, as we have said before, the defendant's equity is hardly capable of controversy.

### COMMENTS ON CURRENT ENGLISH DECISIONS.

The Law Reports for February comprise (1891) 1 Q.B., pp. 141-318; (1891) 1 P., pp. 9-128; (1891) 1 Ch., pp. 65-201.

CRIMINAL LAW—EXTRADITION—OFFENCE OF A POLITICAL CHARACTER—EXTRADITION ACT, 1870 (33 & 34 VICT., c. 52), s. 3 (1)—JURISDICTION TO REVIEW DECISION OF MAGISTRATE.

*In re Castioni*, (1891), 1 Q.B. 149, is a decision of a Divisional Court (Deaman, Hawkins, and Stephen, JJ.) on a motion for a *habeas corpus*, in order to review the decision of a magistrate committing a prisoner for extradition. The question was, whether the offence with which the prisoner was charged was an offence of "a political character." It appeared that a number of citizens of one of the Swiss Cantons, being dissatisfied with the government, rose against the government, took possession of the arsenal, and provided themselves with arms; attacked and broke open the municipal palace, seized the members of the government, and established a provisional government. On entering the municipal