

LEGISLATIVE PRECEDENTS—THE ACTS OF LAST SESSION.

The history again of one of the English Factors' Acts, affords a precedent of interest in connection with recent events in this Province. In *Johnson v. Credit Lyonnais Co.*, L. R. 2 C. P. D., 224, 3 C. P. D. (C. A.) 32, one Hoffmann, a broker in the tobacco trade and also an importer of tobacco, imported a quantity of that article, and left it in bond in certain warehouses, receiving the usual dock warrants, and the tobacco was entered in the books of the Company in Hoffmann's name. This tobacco Hoffmann sold to the plaintiff, but the plaintiff not finding it convenient to take it out of bond, left it in bond in Hoffmann's name, and the warrant in Hoffmann's hands, and took no steps to have any change made on the books of the Dock Company as to the ownership of the goods. Being thus ostensible owner, Hoffmann fraudulently obtained advances on the pledge of a portion of it from the Credit Lyonnais Co., the defendants, who acted in good faith. Denman J. gave judgment for the plaintiff for the value of the tobacco pledged to the defendants. The case went to appeal. After, however, the decision of Denman J., and it appears owing chiefly to that decision, but before the appeal the Imp. 40-41 Vict., c. 39, was passed, sec. 3 of which altered the law as determined by Denman J. in the above case, but sec. 6 specially declared that:—"This Act shall apply only to acts done and rights acquired after the passing of this Act:" and the Court of Appeal subsequently confirmed the decision of Denman J., in the case referred to.

It is superfluous to point out how different was the course pursued in a similar case by the Ontario Legislature in the last session. There, while *McLaren v. Caldwell* was before the Courts, and on its way to the Court of Appeal, the Legislature proposed to alter the law in accordance with which it was decided in the Court below, and so deliberately to take the case out of the hands of the proper arbiters by a despotic act of legislative power. As our readers are aware this Act was disallowed by the Governor in Council.

THE ACTS OF LAST SESSION.

ONTARIO: 44th VICT.

A concise summary of such of the Provincial enactments of last session as are of special importance to the practical lawyer may be of some use and may direct attention to points which might otherwise be overlooked in the hurry of business.

Passing by chap. 2, which introduces some slight amendments into the Act respecting the sale and management of Timber on Public Lands (R. S. O., c. 26),—chap. 3, which amends the Act respecting the expenditure of Public Money for Drainage Works (R. S. O., c. 33), chap. 4, which amends the Act respecting the Assessment of Property (R. S. O., c. 180), and also the Act respecting the Registration of Births, Marriages and Deaths (R. S. O., c. 36), chap. 5, which commends the Judicature Act,—and chap. 6, which amends the Jurors' Act of 1879 (42 Vict. c. 14),—the first Act which demands special attention is chapter 7, entitled an Act respecting Interpleader. Section 4 provides that this Act is to be read with and form part of the Act respecting Interpleading, R. S. O., c. 54. It will be remembered that sec. 22 of that Act provides that in case any claim is made to any goods taken under an attachment or execution, under process issued out of any County Court, all the proceedings under the Act shall be taken in the County Court of the County in which such goods were so taken, or before the judge thereof; or such Court or Judge may on the return of the rule or order, should it be deemed proper, order the said proceedings to be taken in the County Court from which such process issued, or before the judge thereof. The Act of last session provides (sec. 1) that when the amount claimed under an execution or attachment issued out of one of the Superior Courts of law does not exceed \$400, exclusive of interest and sheriff's costs, or when the goods seized are not deemed to be of a greater value than