

The Legal News.

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CRITICISM OF LEGISLATION.

While agreeing in the main with the remarks of Mr. Justice Ramsay, reported on page 346, we hardly feel inclined to go so far as to propose the denunciation of "unprincipled legislation" as a serious part of the functions of the professors of the new law faculty. It is true that some of the measures laid before the bodies known in these latter days as Provincial Parliaments, are excessively crude, and betray too plainly lack of reflection and haste on the part of their authors. We also admit that a professor may sometimes without difficulty find an apt illustration of his text in contemporary efforts at law-making, just as a grammarian may discover examples of solecisms even in authors of classical reputation. But, after all, these "unprincipled" bills are submitted to the criticism of an assembly largely composed of the legal profession, and some at least of whose members are as competent as any professors we have in Canada to point out errors and deviations from sound principles of jurisprudence. While, therefore, we do not wish to damp the wings of newly-fledged professors and lecturers, we venture to throw in a word of caution, that they make sure of their own capacity before they take too bold a flight.

JUDICIAL CHANGES.

The Hon. L. F. G. Baby, Q. C., Minister of Inland Revenue in the Dominion Government, has been gazetted a judge of the Superior Court of Quebec Province, in the place of Judge Polette, resigned. Judge Baby was admitted to the bar in 1857, and has been a member of the Dominion Ministry since the return of Sir John A. Macdonald to power in 1878, representing in the Commons Joliette, the district in which he practised. The new judge has long been characterized by a faithful and conscientious discharge of the duties which he assumed, and we entertain no doubt that he will carry to his new office the high qualities which have won for him success at the bar and in Parliament. At the opening of the Court of Queen's

Bench in Montreal, on the 2nd inst., it was announced that Mr. Justice Baby has been temporarily appointed an assistant judge of that court, during the absence of Mr. Justice Tessier, whose ill-health has necessitated a voyage to Europe.

HYPOTHECATION OF PROPERTY OF REAL OWNER.

A case of *City Bank & Barrow* was recently decided by the House of Lords (now reported in 5 App. Cas. 664), in which their lordships had occasion to consider a question of the law of this Province. Barrow was a leather merchant in London. He made an agreement with one Walter Bonnell, who carried on the business of a tanner in the Province of Quebec, to pay him, Bonnell, three half-pence per pound weight for every hide tanned by him in Canada. The hides were to be sent out from England, tanned in this country, and then returned to England. Barrow sent out a large number of hides; they were tanned, but before they were re-shipped to England Bonnell had obtained from the Bank of Toronto (represented in the suit by the City Bank, appellants,) advances on his own account, on bills, and hypothecated the hides to the Bank as security for such advances, engaging to hand over to them the bills of lading if his bills of exchange were not duly honored. They were not duly honored, and the Bank of Toronto claimed to retain the bills of lading and the hides until their demands were satisfied. The decision of the House of Lords is to the effect that, under the circumstances, Bonnell could not, under any law, English or Canadian, claim to be a factor or agent of Barrow entitled to pledge Barrow's goods, and that consequently the Bank could not set up any title to the goods, as derived from him, against the real owners. This judgment appeared to conflict to some extent with *dicta* of the judges of our Court of Queen's Bench in the case of *Cassils & Crawford*, 21 L. C. J. 1. In that case the opinion was expressed by some of the judges that where a good sale could be made, there could be a good pledge, for pledges must be good, wherever sales would be so. The House of Lords dissented from that doctrine, holding that where there is a power, by law, to sell, a purchaser may obtain from the vendor, even as against the true owner, a good title, but