

CORRESPONDENCE—FLOTSAM AND JETSAM.

and almost insurmountable difficulty is, and I suppose always will be this, that any change in the law would not affect the practice of the lawyers in the House to any appreciable extent, but surely if they seriously considered the subject they could not be so utterly careless and selfish as to totally ignore the just rights and interests of their less fortunate brethren living in smaller towns and villages.

One word more and I am done—and this is *apropos* of the Judicature Act now on the *tapis*.

Laymen and even some learned Judges like the Senior Judge of Wentworth are always talking about the Division Court being the "poor man's court," and saying they do not wish to see it become a lawyers' court. Well, would you not rather it should be a "licensed lawyers' court" than an "unlicensed lawyers' court?" Let the suitors take their own cases if they like—but why should they be allowed to have pettifoggers plead there as you see all over the country. These latter charge their customers just as much as a lawyer would, but even if they charged less, it does not follow that the allowing them to act is helping the "poor man" or making or keeping the court his court.

As long as the poor man is bound to have an agent it is not at all prejudicing him to require that that agent should be an attorney. Under the increased jurisdiction one feels the weight of this argument even more strongly than before, and my only apology for the extreme length of this letter will be this fact—that now, before the Legislature meets, is the time for country lawyers to join together and take some action in the premises.

A WINGHAM SOLICITOR.

Chattel Mortgages.

To the Editor of THE CANADA LAW JOURNAL

DEAR SIR,—In common with your correspondent "Lex" I observed in Mr. Barron's recent valuable work on Bills of Sale an Chattel mortgage a statement which in my opinion (and in that of your correspondent) is not law. namely;—that the registration of an assignment of mortgage is notice to the mortgagor., (see pages 95 and 208 of Mr. Barron's work).

However, I can find no case in our reports in point, although your correspondent says that there are cases to the effect that such registration is not notice. In Mr. Leith's Real Property Statutes (page 398) the question is considered, but he does not cite any case on the subject, nor is there any case cited in the more recent work by Mr. Leith and Mr. Smith (see page 220 and 221). The cases of *Trust and Loan Company v. Shaw* 16 Gr. 446 and *Gilliland v. Wadsworth* 21 App. R. 82, come nearest to the decision of this question. In the former case the question did not actually arise, it being a suit between two mortgagees, and it was decided that the Registry Act did not apply to a person not acquiring, but parting with an interest in lands. In the latter case although the question arose, it was not necessary to decide it, but there is a *dictum* of the present Chief Justice of the Court of Appeal to the effect that resignation of an assignment of mortgage is not notice to the mortgagor, (see page 91 of the report of this case).

In my forthcoming work on "Choses in Action" in treating of this subject, I have followed the view taken by Mr. Leith, and taken exception to that expressed by Mr. Barron, but in common seemingly with Messrs Leith and Smith I have not found any decision exactly in point. Will your correspondent kindly mention the cases to which he alludes.

Yours truly

J. JAMES KEHOE.

Stratford, Jan. 4, 1881.

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BRITISH COLUMBIA LAW SOCIETY.—We learn from our correspondent in the Pacific Province, that at a special meeting called after the elevation of Mr. McCreight and Mr. Robinson to the Bench, Messrs. Johnson and Hett were appointed Benchers in their place. Mr. McCreight, who had been Treasurer, is succeeded by Mr. Hett. A committee was appointed to draw up an address of congratulation to the new judges, and another committee to consider and report on the new Supreme Court rules. It was also decided to give a dinner in honour of the judges, in honour of the dignity conferred upon them.