

## The Legal News.

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### APPEAL BUSINESS.

After our last issue was ready for press, we received an article from Mr. Justice Ramsay on the subject of the Court of Appeal. This, as well as a second and third communication on the same question, will be found elsewhere. The advantage of having on such excellent authority a frank statement of the difficulties which embarrass the Court in the performance of its duties must be universally admitted. The term system may have worked passably well at a time when there were seldom more than eight or ten appeals to be disposed of at a sitting. But it is well known that the business of the Court has expanded enormously within the last twenty years, and this expansion is likely to continue in equal ratio as the wealth and trade of the Province grow. And not only the number of causes, but the difficulty and complication of the questions involved are greater. Thus it has come to pass that a system which occasioned no practical inconvenience once, is about the worst that could be imagined in the present state of affairs. Mr. Justice Ramsay has offered suggestions with a view to promote the despatch of business, and to relieve both bench and bar from obstructions that now exist. Whatever difference of opinion may arise as to details of the proposition, we believe the suggestions in the main present a scheme alike feasible and inexpensive, and we are aware that this opinion is shared by several prominent members of the bar.

### SALE OF STOLEN GOODS.

A case of conflict between the law of the State of New York and that of this Province came before the N. Y. Court of Appeals last month. The facts, as appears by the abstract of the case (*Egderly v. Bush*) in the *Albany Law Journal*, were as follows: Personal property belonging to A, a citizen of New York, who had acquired title there, was taken without the consent of the owner from the State of New York to Lower Canada, where it was purchased by

B for value and without notice of the rights of A, from a trader in property of like kind, who had it in his possession. By the law of this Province, the purchase of personal property from a trader dealing in similar articles confers a good title. B conveyed the property to defendant, who brought it again into New York, where his domicile was. In an action by A against defendant for a conversion of the property, it has been held by the N. Y. Court of Appeals (June 1, 1880) that the title of A was superior to that of defendant, and the title of B, acquired under the law of Lower Canada, would not be recognized. Though a transfer of personal property valid by the law of the domicile is valid everywhere, as a general principle, there is to be excepted, in the opinion of the Court, that territory in which the property is situated and where a different law has been set up, when it is necessary for the purposes of justice that the actual situs of the thing be examined. *Green v. VanBuskirk*, 7 Wall. 139. "Yet statutes have no extra-territorial force, and where they are permitted to operate in another State through comity, they will not be so allowed to the inconvenience of the citizen or against the policy of the State. It would be to the contravention of that policy and to the inconvenience of the citizens of this State, if its courts should give effect to the statutes of Lower Canada in respect to purchases from traders to the divesting of titles to moveable property, acquired and held under the law of New York, without the assent or intervention, and against the will of the owner under that law. Notions of property are slight when a *bona fide* purchaser of stolen goods gives a good title against the original owner. Kent, C. J., in *Wheelerwright v. DePeyster*, 1 Johns. 471. It is not required to show comity to that extent. The case of *Cammel v. Sewell*, 5 H. & N. 728, was concerning property sold in Norway, which had not been in England until after that sale, and had never been in possession of the English owners. See, as sustaining the case at bar, *Greenwood v. Curtis*, 6 Mass. 358; *Taylor v. Boardman*, 25 Vt. 581; *Martin v. Hill*, 12 Barb. 631; *French v. Hall*, 9 N. H. 137; *Langworthy v. Little*, 12 Cush. 109. Such cases as *Grant v. McLachlin*, 4 Johns. 34, and *The Helena*, 4 Rob. Ad. 3, do not conflict. In them there were, in the foreign country, legal proceedings *in rem*, or analogou