

REVIEWS.

chattels" the question as to goods "*in esse*" and "*in posse*," the distinctions in law given as to after-acquired goods, with and without a *novus actus*, and between the rules at law and in equity in regard to the subject-matter of mortgages and bills of sale. On this point we notice the opinion upheld that a mortgage of specific crops off specific land is good, although the crops be not in existence when the mortgage is executed (see *Howell v. Coupland*, L. R. 1 Q. B. D., 258; *McIlhargy v. Martin*, C. C. Dean, J.). Mr. Barron points out several inconsistencies in the Act, *e. g.*: To some instruments a witness is required to be a subscribing witness, to others he need not be. The omission in section 2 of the words "or of one of several of the mortgagees or of the agent of the mortgagee or mortgagees," and the inconsistency of the enactments in regard to the place of registry, particularly when renewing mortgages, which now, however, since Mr. Meredith's Act has become law, are chiefly overcome. To give a specimen of the work, we extract the author's remarks in reference to section 6, wherein the Statute provides for such instruments as the section covers being registered "as hereinafter provided:"

"It is worth while observing these words carefully. Mortgages within this section shall be valid and binding when registered as hereinafter provided. And there is nothing in the Act subsequent to this section in any way limiting the period within which mortgages under this section are to be filed. Section 1 limits a period within which mortgages under that section are to be filed, and section 5 limits a period within which bills of sale are to be filed. Unless mortgages under this section can be said to come within and to be included in the words 'every mortgage or conveyance intended to operate as a mortgage made in Ontario' found in section 1, it is quite clear that the Statute has fixed no period of time within which mortgages under this section are to be filed. There is no doubt that the entire statute must be resorted to in order to arrive at a conclusion as to what is required, but it seems to the author that the mortgages referred to in section 1 are so identified by the words contained therein and in section 2 relating to the affidavit of *bona fides*, that the legislature, whatever they may have meant, certainly did not contemplate a reference to mortgages under section 6 by the use of the words 'every mortgage or conveyance intended

to operate as a mortgage,' &c. Indeed there can be little doubt of this, because sections 1 & 2 of the Act have their origin in 12 Vict. cap. 74, and 13 & 14 Vict. cap. 62, whereas section 6 of this Act was first enacted by the late Statute, 20 Vict. cap. 3."

Several Acts or parts of Acts akin to the subjects treated are appended, together with a collection of forms.

Mr. Barron has done his work well, and although we think that, in a second edition, he will find it desirable to make some slight changes in form and arrangement, we can congratulate him upon having given us a very useful and timely book on a subject of much importance to the practitioner.

REPORTS OF THE SUPREME COURT OF BRITISH COLUMBIA.

We are indebted to the courtesy of Mr. Justice Crease, who edits these Reports, for a copy of the first number, containing the judgment of the case of *The Queen v. McLean and others*, on an indictment for murder. Criticism is disarmed so far as the typographical appearance of the number is concerned by the plaintive statement that only one "galley" full of type was available, which had to be charged and discharged until the 125 pages were completed. No apology, however, is necessary so far as the work of the learned reporter is concerned, for he seems to have taken the greatest pains to give a full and, we doubt not, accurate report of this important case.

An Appendix gives a mass of correspondence in connection with the trial of this case. This reveals some singular legislation in the Province of British Columbia in relation to the Judicature Act. Not the least is this, that a bill was passed taking the whole regulation of the Courts, Chambers, Rules and Orders, forms and business generally out of the hands of the Judges and giving it to the Lieut.-Governor-in-Council—a most unheard of proceeding, which can only be characterized as silly. This absurdity was equalled by the Government bringing their Judicature Act into force after only two days' notice, and then making an Order in Council to the effect that the Rules in force in England under the