

NOTES AND REVIEWS

WAREHOUSE RECEIPTS AND SECURITIES UNDER SEC. 74 OF THE BANK ACT

THE January number of *The Barrister* contains an article on warehouse receipts and other securities on goods under the Bank Act, by Mr. George Kappele, who writes from an experience as solicitor for one of the larger Toronto banks. The ground he covers is in the main, as far as practical questions go, that which Mr. Lash went over in his important paper, and Mr. Kappele's article need not, therefore, be discussed at any length. There are a few points on which his deductions may be questioned, or in which he has not stated the law with sufficient definiteness, and it may be useful to point these out.

We pass with a mere mention the statement, evidently made through an oversight, that the Privy Council has determined that the Dominion Government has exclusive jurisdiction respecting warehouse receipts and bills of lading. It has that jurisdiction so far as banks are concerned; can declare what constitutes warehouse receipts or bills of lading for banking purposes, and the power of banks in connection therewith, but with this exception, the authority of the provincial legislature in such matters is supreme. We need also mention only the statement that these securities are transferable by endorsement or delivery. If the latter means delivery after endorsement, or delivery of a document made in favor of the bank, the statement is of course true; delivery otherwise would make a very unsatisfactory title.

The definition of a warehouse receipt as that of a bailee in good faith, who is in real possession of the goods, is well explained, but the statement that the goods must be in premises kept by the bailee for the purpose of warehousing goods in general, or the goods mentioned in the receipt in particular, whichever is meant, is erroneous and misleading. A receipt granted by any person who has actual possession in the sense of the Act, and is not the owner, is valid, whether he keeps a ware-