

ACTS OF LAST SESSION—RECENT DECISIONS.

now next ensuing session of Parliament." Then follows an Act in amendment of the Dominion Lands Acts of 1879 and 1880 (42 Vict. chap. 31, and 43 Vict. c. 26), the provisions of which are of a purely administrative nature and require no further notice here; nor does there appear to be any Act to which we need call special attention until chap. 27 is reached. We may, however, mention that by chap. 25 the Laws relating to Government railways are amended and consolidated.

By chap. 27, sec. 14 of 40 Vict. c. 41, which repealed sec. 58 of the Insolvent Act of 1875, (38 Vict. c. 16), is itself repealed, and the said sec. 58 is revived: which section provided that if the dividend paid to the creditors by the estate of the insolvent is less than 33 per cent, the discharge of the insolvent may be suspended or refused altogether. But of course this Act only applies, as declared sec. 2, to proceedings under the insolvent acts where the estate of the insolvent has been vested in official assignees before the passing of the Act of last session, repealing the Acts respecting insolvency now in force in Canada, (43 Vict. c. 1). By this Act (chap. 27) also, sec. 15 of 40 Vict. c. 41 is repealed, so that a Judge is no longer required, before granting a discharge, to exact proof of the fulfilment of the condition in that section mentioned.

The next Act, chap. 28, is entitled an Act to amend the Law respecting Documentary Evidence in certain cases, and provides that "in addition to and not in derogation of any powers of proving documents given by any existing statute or existing at common law," *prima facie* evidence of proclamations, orders, regulations or appointments made by the Governor-General may, in all legal proceedings over which the Parliament of Canada has control, be proved either (i) by a copy of the *Canada Gazette* containing a notice thereof, or (ii) but producing a copy thereof purporting to be printed by the Queen's Printer for

Canada, or (iii) by producing a copy duly certified: and so, *mutatis mutandis*, with proclamations, etc., by the Lieutenant-Governors of Provinces. And wilful imposture in respect to these matters is made a felony, and punishable by imprisonment.

Lastly, chap. 29 provides for the continuance in force of "The better Prevention of Crime Act, 1878," (41 Vict. c. 17) until the end of the "now next ensuing session of Parliament:" while the remaining acts, public and private, it does not fall within the scheme of this review to notice.

RECENT DECISIONS.

The first case which it occurs to us to notice in no. 1 of vol. 29 of Grant's Reports, now before us, is a decision of Boyd, C. on a point of practice in connection with receivers, which, stated in a general way, appears to be as follows: Where, after a decree directing the appointment of a receiver, but before the actual appointment, any act is done which is complained of as improper, and an interference with the office of the receiver, the proper course is for the interested parties to the suit, who object, to apply in person for the appropriate relief, and not to move for an order that the receiver shall take proceedings to rectify what is done (*Fox v. Nipissing Ry. Co.*, p. 11). Closely following on this is the case of *Court v. Holland*, in which the learned Chancellor observes, citing *Murray v. O'Dea*, 1 B. & B. 117, that as between mortgagor and mortgagee, there is nothing to prevent the mortgagee taking possession at a fair and reasonable rent agreed upon between them; and in such a case this will ordinarily be the measure of liability, because the mortgagee is not in, technically, as mortgagee in possession, but as under the special agreement. A subsequent incumbrancer however is not bound by the transaction, but can insist upon such a rent as would be a proper occupa-