

deemed as recorded at the time so noted ;" while the Missouri statute provides, "Every such instrument in writing, certified and recorded in the manner hereinbefore prescribed, shall, from the time of filing the same with the recorder for record, impart notice to all persons of the contents thereof," etc. The court, in *Terrell v. Andrew County*, saying that under it, it was the record that imparted notice which related back to the time of filing.

As to defects in deeds or their acknowledgment, in Missouri the court held in *McClurg v. Phillips*,* that an unsealed mortgage was properly recorded as an equitable mortgage.† So as to official seals, the record need not show any copy of the seal or scroll as indicating the officer's seal, the statement in the certificate raising the presumption that the seal was attached.‡ On the other hand, "a notary's certificate is not rendered invalid by reason of the mere fact that it purports to be executed under his 'hand and official signature,' and that his notarial seal is not mentioned therein, where the seal is attached to the certificate. And in such case, a copy taken from the recorder need not have the impress of the original seal ; that may be indicated by a scroll."§

In many of the States time is allowed parties to record their deeds, and if recorded within that time, they are valid as against purchasers after its date and before record. In such cases, the record may be considered notice from the date of the deed, or as relating back to the date of the deed. Is a party who actually sees an imperfectly acknowledged conveyance, affected with actual notice? In *Musick v. Barney*,|| it is said that it would be very strong, if not conclusive, evidence of such notice. So, if the party's agent or investigator saw such a deed, it should put him on inquiry, as affecting him with actual notice of such deed. — *Central Law Journal*.

REPORTS

ONTARIO.

(Reported for the LAW JOURNAL.)

COUNTY COURT OF THE COUNTY OF VICTORIA.

BRADLEY V. BRADLEY.

Bills and notes—Double stamping—Effect of repeal of statute—45 Vict., cap. 1.

A promissory note void for want of stamps, at the time of the passing of 45 Vict. cap. 1, which repeals stamp duties, cannot be made good by affixing double stamps as theretofore allowable.

(Lindsay, Nov. 16, 1882.)

Action on two promissory notes dated 1st December, 1879, for \$250 and \$50 respectively, made by the defendant in favour of the plaintiff. The defendant pleaded want of stamps. The plaintiff replied, alleging double stamping since the passing of 45 Vict. cap. 1. To this reply the defendant demurred, the fourth ground being that, 45 Vict. cap. 1, repealing the Stamp Act took away the right to double stamp, and if the note was void at the time of passing of that Act there was now no authority to make it good.

On the argument the plaintiff asked leave, if the case should be decided against her, to amend, alleging that she was not aware of the defect in stamping until after passing of the Act, and contended that such a reply would be good.

G. H. Hopkins, for the demurrer.

D. J. McIntyre, contra.

HUDSPETH, Deputy Judge: It seems to me that the fourth ground of demurrer, if good, disposes of the matter, and that there is no necessity for considering the other grounds, some of which, no doubt, could be cured by amendments.

The action is brought to recover the amount of two promissory notes. The fourth paragraph of the statement of defence sets up the want of stamps. The second paragraph in the joinder and reply asserts that after the promissory notes were made the plaintiff paid double duty thereon by affixing to each of the said notes stamps to the amount thereof, and cancelling the same as required by the statute in that behalf made and provided. To this the defendant demurs. The fourth ground of demurrer being that 45 Vict. cap. 1, repealing the Stamp Act took away the right to double stamp.

* 57 Mo. 214.

† See, too, *Parkinson v. Caplinger*, 65 Mo. 290.

‡ *Geary v. Kansas City*, 61 Mo. 378; *Griffin v. Sheffield*, 38 Miss. 359.

§ *Dale v. Wright*, 57 Mo. 110; *Clark v. Ryner*, 53 Mo. 380.

|| 49 Mo. 458.