CORRESPONDENCE.

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CONDITIONAL SALE CONTRACTS.

Editor, CANADIAN BAR REVIEW.

SIR,—The practical importance of the work of the Conference of Commissioners on Uniformity of Legislation in Canada based on a policy obviously beneficial to business, is unquestionable. Moreover the drafting of new statutes, or rather the re-drafting of old statutes, has been effected in an able and painstaking manner. Even were this not so lawyers might remind themselves that "it is better that the law should be certain than that it should be just."

In the adoption of the model statutes drafted by the Conference British Columbia leads the field, and this appears to be the only Province which has enacted the Conditional Sale Act. This Act was drafted by the Conference in 1922 and enacted in British Columbia the same year.

It might be well, therefore, to point out that Section 10 of that Act has recently been the subject of interpretation in the Courts. Sub-section (3) of Section 10 provides that if the seller intends to look to the buyer for any deficiency in a resale (of goods the subject of a conditional sale contract which have been retaken by the seller) notice of the intended sale must be given to the buyer. What the notice must contain is specified seriatim in Sub-section (4). It would therefor appear that a notice fulfilling the requirements of Sub-section (4) would be sufficient. It was held, however, by the Court of Appeal for British Columbia, in *Motor Car Loan Company Limited* v. *Bonser*,[1] that the words "intended sale" in Sub-section (3) mean the particular sale in view which must be stated in the notice. This case was followed in *Marsh* v. *Simpson*.[2]

In view of the above interpretation, which one would suppose was not the intention of the drafters, or, if it was, was not clearly shown in the section under consideration, it would appear advisable that the section be redrafted before its adoption by other Provinces.

Yours very truly,

Kelowna, B.C. W. BRUCE BREDIN.

[1] (1928) 1 W.W.R. 801.
[2] (1928) 1 W.W.R. 956.