

It was held (following *Walsh v. The King*, 1894, 63 L. J. P. C. 52, and *Toronto General Trust Corporation v. The King*, 1917, 56 S. C. R. 26) that notwithstanding the rule that specialty debts are deemed to have had a situs where they actually were at the time of the death of the owner, the property in question was property in New Brunswick, and that succession duty was payable accordingly.

*MANTLE LAMP COMPANY OF AMERICA, INC., v. NIXON.*

*Sale of goods—Guarantee—Fraud—Estoppel.*

In an action brought on a guarantee covering the price of goods to be sold by the plaintiff to a third party, the defendant, who was illiterate, pleaded that the guarantee had been obtained by the fraud of the debtor, and that in signing he believed that the document, which was not read over to him, was a recommendation of the debtor as a salesman. The jury found that the defendant was not aware that he was dealing with a guarantee, but that the circumstances of the signing were such that a reasonable man would have ascertained the nature of the document executed. Subsequently, a letter was received by the defendant from the plaintiff, which was read over to the defendant, and which stated that in view of the defendant's letter of guarantee, the plaintiff was extending credit accordingly. No action was taken on this letter by the defendant.

Held, that these facts constituted an estoppel against the defendant, and that although this plea was not specifically set up, as all of the evidence was before the Court, an amendment would be allowed.

BOOKS AND PERIODICALS.

✉ Publishers desiring reviews or notices of Books and Periodicals must send copies of the same to the Editor, care of THE CARSWELL COMPANY, LIMITED, 145 Adelaide Street West, Toronto, Canada.

*A Treatise on the Law of Bills of Exchange, Promissory Notes, Bank Notes and Cheques.* By the Right Honourable Sir John Barnard Byles, late one of the Judges of Her Majesty's Court of Common Pleas. 18th Edition with Colonial Notes by Walter J. Barnard Byles and A. W. Baker Welford. London: Sweet and Maxwell, Limited. The Carswell Company, Limited, 1923.

The most important recent decision within the sphere of the subject-matter of this *vade mecum* for the commercial lawyer is the case of *The London Joint Stock Bank v. MacMillan*, (1918) A. C. 777. There, as the editors of the present edition point out, the House of Lords upheld the much criticized decision in *Young v. Grote*, (1827) 4 Bing. 253, and incidentally confirmed the correctness of the view expressed by the editors of the last edition of Byles. We are informed that owing to the greatly increased cost of production since the date of the last edition, it has been found necessary to restrict the size of the book. Material

that was not absolutely necessary to a clear understanding of the text as now presented, has been rigorously eliminated. The space saved in this way has been devoted to a consideration of the Australian, Canadian, New Zealand and South African statutes which correspond to, and to some extent, reproduce the English Act of 1882. The editors explain that they do not attempt to deal exhaustively with Dominions cases. However, they have done the very important thing of directing attention to the most striking points of difference between the overseas legislation and the English Act. They have also cited cases decided in the overseas courts interpreting these dissimilar enactments. Canadian lawyers will also be pleased to note authority accorded to Canadian cases in support of the English doctrine laid down in the text. At page 174, among the authorities illustrating the interpretation of the provisions of Section 36 of the English Act providing that "Where an overdue bill is negotiated it can only be negotiated subject to any defect of title affecting it at its maturity, and thenceforward no person who takes it can acquire or give a better title than that of which the person from whom he took it had," we find the following Canadian cases cited: *The Merchants' Bank of Canada v. Thompson*, (1911) 23 O. L. R. 502; *Union Investment Company v. Wells*, (1908) 39 S. C. R. 625, and *Moore v. Scott*, (1907) 5 W. L. R. 381. While our excellent Canadian books on the subject render reference to the standard English works less necessary than formerly, yet Canadian practitioners will find the old reliable "Byles on Bills" still very useful to them upon occasion.

\* \* \* \*

*Chambers's Encyclopædia.* A Dictionary of Universal Knowledge. Edited by David Patrick, LL.D. and William Geddie, M.A., B.Sc. Volume III.—(Cata to Diop.) Revised Edition. London and Edinburgh: W. & R. Chambers, Limited.

The ten volumes of this great literary undertaking will comprise 30,000 articles contributed by some of the most eminent authorities in the world. Among the lawyers in the list of contributors are Lord Haldane, Lord Birkenhead, Sir John Simon, Lord Askwith, Sir Thomas Raleigh, Professor A. Berriedale Keith, Sheriff Irvine and Sheriff Durbar. In the present volume our readers will find a most instructive article on *Copyright* by Sir John Simon and Mr. T. W. Phillips. Reference is made to the case of *Donaldson v. Beckett*, (1774) which developed a remarkable division of opinion among the Judges, being ultimately carried to the House of Lords where it was decided that if any common law right ever existed in published works it had been taken away by the Copyright Act of 1709. The common law, however, continued to protect the author against the unauthorized publication of unpublished works until the Act of 1911, which abrogated all protection to the author except that granted by statute law. Professor A. Berriedale Keith writes on the *Colony* with his usual learning and clarity of expression. Sir James Balfour Paul and Sheriff Irvine explain to the enquiring mind the position of the *Crown* under the law. The subject of *Debt* is very fully and admirably treated both as respects English and Scottish law. In speaking of

*Chatham* Lord Haldane says: "His affectedness and haughtiness not unfrequently disgusted his friends, and pride rather than principle seems to have actuated his course at some important conjunctures of his life. He had, however, an intense love of country; the grand object of his ambition being to make his native land safe against all contingencies, and powerful among nations."

The attention of our readers is directed to the following periodical literature:—

*Illinois Law Review*, Vol. XXIII, No. 6. "How far Does Knowledge of Agent Affect Defence of Fraud in Action on Life Policy." Paul E. Price.

*Michigan Law Review*, Vol. XXII, No. 4. "Humanitarian Intervention in International Law as Related to Practice of United States."

*American Journal of International Law*, Vol. XVIII, No. 1. "Codification of International Law." Henry G. Crocker. "Proposed Rules for Regulation of Aerial Warfare." James W. Gardner.

*Law Quarterly Review*, Vol. XL, No. 157. "Nationality and Naturalization." H. J. Randall. "English Legislature and the Irish Courts." His Honor Judge W. J. Johnston.

*Harvard Law Review*, Vol. XXXVII, No. 5. "The Judiciality of Minimum Wage Legislation." Thomas Reed Powell.

*Columbia Law Review*, Vol. XXIV, No. 3. "The Measurement of Law School Work." Ben D. Wood.

*Minnesota Law Review*, Vol. VIII, No. 4. "The Problem of Tax-Exempt Securities." William Anderson.

C. M.

\* \* \* \*

## BOOKS AND PERIODICALS RECEIVED.

1. *Citizenship*. By Sir W. H. Hadow, Vice-Chancellor of Sheffield University. Toronto. Oxford University Press. Price, \$2.00.
2. *The Law and Practice in Bankruptcy*. By W. M. Collier. 13th Edition, by Frank B. Gilbert and Fred E. Rosbrook, in four volumes. Albany, N.Y.: Matthew Bender & Company, Inc. 1923.
3. *The Saar Controversy*. By W. R. Bisschop, LL.D. *The Grotius Society* Publications. London: Sweet & Maxwell Limited, 1924. Toronto: The Carswell Company, Limited.
4. *Trial of Mary Queen of Scots*. Edited by A. Francis Steuart. Toronto: Canada Law Book Company Limited, 1923.
5. *Trial of Thomas Neill Cream*. Edited by W. Teignmouth Shore. Toronto: Canada Law Book Company Limited, 1923.