

be useful, and gave the person who prepared it a good deal of trouble," and that it is useful we are prepared to admit.

It would be ungracious to pursue the subject further in the aspect in which it now presents itself, and we will only say, that we also think that the Notes (we will not say *gloss*) upon the Statute Book could not properly "be allowed to pass unnoticed."

MY DEAR MR. EDITOR,—You behaved so courteously and kindly to me, a stranger, in the matter of my Index to the Statutes, that I really cannot refuse you or your correspondent "V." in your August number, any information in my power. I am the author of the Notice and Notes to the Law Procedure Act to which "V." objects, but as I also suggested to the Attorney General, through Mr. Harrison, the "memorandum" which "V." approves, and upon which the Notes are founded, I venture to hope that "V." will set the one against the other, and forgive me. Three-fourths, at least, of our Act are (most wisely) taken *verbatim* from the two English Acts, upon which a great number of decisions have been given by the English Courts, and which have been commented upon by Kerr, Clitty, Stephens, Francis, Finlason, &c., in England, with the benefit of those decisions. Our Act is as yet without commentary by Court or author, and it must remain so for some time at least, whilst at the same time it must be acted upon by every Practitioner throughout Upper Canada. But the clauses of the two English Acts are necessarily intermingled in ours with each other, and with provisions exclusively Canadian, and it seemed to me that the best short commentary on our Act, and indeed the very foundation of all commentary upon it, would be such Notes as should show in a compendious form and upon the face of the Act itself—

1. The changes of the English Acts corresponding to those of the Canadian one;
2. The clauses of the Canadian Act corresponding to those of either of the English ones;
3. The clauses of the English Acts not adopted in our Act.

Such Notes I prepared, and, with the assent of the Gentleman above mentioned, I appended them to the copies of the Act printed by the Queen's Printer, adding a very short notice, stating, I think pretty clearly, the fact, that while the clauses were taken from the English Acts, as nearly *verbatim* as circumstances would admit, yet that there were necessary changes in some cases, which made a comparison desirable before using the English decision or commentaries on any clause. Far from stating an opinion as "Gospel," I incited examination in every case and furnished the readiest means of making it. I was sorry that I could not insert on the Act printed in its place in the Statute Book all the information I gave in the copy printed in pamphlet form; but the side notes in brackets took no room and cost the public nothing, nor did the foot note add more than a dollar or two to the Printer's Bill, and I thought it would be wrong under these circumstances to let ten thousand copies be circulated at the public cost, without the information which seemed to me to

be essential to their utility and the convenience of the Profession. Not finding a precedent, I made one, and sacrificed routine for the public good. I assure you there is no *coup d'état* concealed in the notes, and the Bureau of Agriculture had nothing to do with them. They are as innocent as the side notes, the Index or Table of Contents, of all designs against the Constitution; and if there be any who can be misled by them into despotic notions of interpretation, it seems to me that he must, in the words of the Poet,

"— have a most uncommon skull":

he will hardly be fit for an Upper Canadian Lawyer. I admit that "V." has good authority on his side against the use of the word "original" or "new," but I have authority on my side too, for I find it applied in the same way in the "memorandum" which "V." lauds; and as I perceive he has a wholesome respect for professional rank, I propose that he and I withdraw, and leave the author of the "Memorandum" to argue the point with the author of the Proverbs. I think that in this case cause may be shown against making Solomon's Rule absolute.

I am, my dear Mr. Editor,

Your and "V.'s" obed't serv't,

THE L. W. CLERE.

#### HARRISON'S C. L. P. ACTS.

We direct attention to the notice from the Publisher, in the advertising columns, respecting this work.

Had the author confined himself to the usual brief method of noting Statutes, his work would have been completed before now; but he has gone thoroughly into his subject, and instead of notes has written a *Treatise*. We saw, after examining the first thirty pages, that he *must* issue in parts, and we think he has acted wisely in yielding to this necessity. Most of the best works on the Practice of the Law are issued in parts in England, and in that shape they are more acceptable to the Practitioner. The early sections embrace the practice, for the most part, up to the trial, and it is better that they should be at once in the hands of the subscribers, rather than be delayed till the work is completed.

#### U. C. REPORTS.

Owing to the kindness of Mr. Robinson, which we have had occasion so often to acknowledge, we are in possession of some very recent decisions in the Court of Queen's Bench; they have arrived too late for the present number, and are not all of the class we are accustomed to publish in full.