

57, enacts, "Where a writ against the goods of a party, has been issued from either of the said Courts, (Superior Courts) or from any County Court, and a warrant of execution against the goods of the same party, has issued from a Division Court, the right to the goods seized, shall be determined by the priority of the time of the delivery of the writ to the Sheriff to be executed, or of the warrant to the Bailiff of the Division Court to be executed."

Now assuming for the sake of argument, that the delivery to the Bailiff, does not bind the goods without an actual seizure, and that an execution issues from a Division Court, and is delivered to the Bailiff; in a week or so after, a *fi. fa.* issues at the suit of another plaintiff, and is delivered to the Sheriff. The defendant then sells his goods, the Sheriff seizes the goods in the hands of defendant's vendee; now the Bailiff of the Division Court steps forward, and by the statute, takes the goods from Sheriff, as his execution has priority over the Sheriff's *fi. fa.* The execution from the Division Court, therefore, borrows strength from *fi. fa.* in the Sheriff's hands, which does appear to me, very unreasonable. To hold that the execution from the Division Court, binds the goods from the time of its delivery to the Bailiff to be executed, seems more in harmony with the 14th clause of 20 Vic., cap. 57, than to hold otherwise.

As this question is one important to Bailiffs and suitors in Division Courts, and as you have hitherto shewn a willingness to assist them with your opinions, I have stated my question at more length than I otherwise should.

I am, yours truly,

D.

[We refer our correspondent to our editorial columns, where he will find the question discussed, and will see that we coincide with the opinion he expresses on the subject. We feel obliged for his communication, which comes opportunely to support our view of the matter, and is evidently intended to bring an important question under discussion, for the benefit of a large portion of our readers, rather than for the writer's own satisfaction—a motive which we should wish to find actuating a greater number of our readers.—Eds. L. J.]

MONTHLY REPERTORY.

CHANCERY.

V. C. K. RHODES v. KIRKS. May 26.

Settlement—Construction—Personal representatives.

J. settles certain policies of insurance on his own life, on his wife and children, and provides that in default of children, and the death of the wife, the fund shall be in trust for such persons as shall be his next of kin at his wife's death, and who would be his personal representatives in case he died intestate and unmarried, and be distributable accordingly under the statutes for the distribution of intestate effects; but in case his said wife should die in his lifetime whether leaving children or not, the whole fund to be in trust for J. his executors, administrators and assigns absolutely. J. becomes bankrupt and dies leaving his wife but no children, surviving. On the question whether the words "personal representatives" referred to the executors and administrators of J. in their representative character.

Held, that the next of kin of J. at the death of the wife were entitled.

REVIEW.

A TREATISE ON MARITIME LAW, including the *Law of Shipping*; the *Law of Marine Insurance*, and the *Law and Practice of Admiralty*; by Theophilus Parsons, LL.D., Dane Professor of Law in Harvard University. Boston: Little, Brown & Co.

The above work, in two volumes, just issued from the press by the eminent American Law Publishers, Little, Brown & Co., will be found a most valuable addition to the library of every practising Lawyer both in the United States and Canada.

It is the result of eight years' labor on the part of its author, and judging alone from the immense number of cases and authorities cited, examined and commented on, throughout the work, it would appear as if all the learning on the subjects treated of must have been exhausted.

The writer who brings together and interweaves a number of subjects arising properly from a single stem, and thereby greatly facilitates investigation, confers no slight favor on the professional man, whose time is money. This Mr. Parsons has done in treating of the *Science of Maritime Law*.

In a country abounding as this does in navigable waters—mighty rivers and inland seas—a knowledge of the *Law of Shipping* is necessary to the practitioner; and the publishers of the above work (whose name alone is a guarantee, not only for its being mechanically well got up, but indeed for its merits) are not over-estimating its value when they "offer it to the profession in the belief that it will supply an actual and an important want." The following heads or divisions of the subjects treated of, although not including the whole, will show the comprehensiveness of the work:

Book I.—1. On the History and Origin of the Law of Shipping. 2. Of the Registry and Navigation Laws. 3. Of the transfer of a Ship by sale. 4. Of part owners. 5. Of the liability of owners generally. 6. Of hypothecation by Bottomry. 7. Of the use of the ship by the owner. 8. Of Charter party. 9. On general average. 10. Of stoppage in transitu. 11. Of the duties and powers of the Master. 12. Of the Seamen. 13. Of Pilots. 14. Of nautical men and their Hens.

Book II.—1. What Insurance is, and how it is effected. 2. Of the interest of the insured. 3. Of Warranties. 4. Of representation and of concealment. 5. Of the premium. 6. Of the description of the property insured. 7. Of the risks which are covered by the policy. 8. Of deviation. 9. Of the termination of the voyage and of the risk. 10. Of total loss and abandonment. 11. Of general average. 12. Of partial loss. 13. Of the adjustment. 14. Of Agents. 15. Of the rights of action and of evidence, &c. &c. &c.

THE LAW OF TORTS OR PRIVATE WRONGS, by Francis Hilliard, author of *The Law of Mortgages*, *The Law of Vendors and Purchasers*, &c. Little, Brown & Co., Boston.

This is a new and original work in 2 vols., just issued by the same eminent publishers. We have not yet been able to read it. It will be noticed in our next.

THE LAW MAGAZINE AND LAW REVIEW.—London: Butterworths, 7 Fleet Street.

We have received the November number of this quarterly, so well known to lawyers, the subscription price to which is only five shillings sterling per number. The articles in it are always not only the most interesting, but generally the best written in any legal publication in England. We have never yet, that we remember, seen an article in the *Law Magazine* that was not only readable but highly instructive. At present we can do no more than refer to the articles in the number before us. They are:—1. Baron Bramwell, the Press and the Bar. 2. A late trial for murder in Germany. 3. Reform in Church Discipline. 4. Laws affecting Slavery. 5. Lord