

REVIEW - CORRESPONDENCE.

there was confined to certain select practitioners of Doctors Commons. In fact, the Registrars have, during the twenty-two years which have elapsed since the Act was passed, become the repositories of knowledge in these matters; and have constantly been resorted to, not only for guidance in matters properly belonging to their official duties, but for advice upon difficult questions of Probate law. One object of Sir Richard Bethell's measure abolishing the ecclesiastical jurisdiction, and establishing the Court of Probate, is said to have been to simplify the procedure, and throw the practice open to the profession generally; and rules were made under that Act for carrying its provisions into effect both in contentious and non-contentious business. Although rules were made under our own Surrogate Courts' Act for carrying out its provisions as to common form business, the practice in contentious business, as well as in some matters of non-contentious business, was left by the statute to be governed by the practice of the English Court of Probate, as it stood in December, 1859, and through that by the practice of the former Prerogative Court, which had to be ascertained from various English works and from the English reports.

The setting forth of this practice, as applicable in our own courts, but hitherto unwritten and not provided for by Rules or Forms, is the principal feature of the treatise now under review.

In the presentation of his task, Mr. Howell seems to have spared no pains in collecting his materials, which he has succeeded in presenting to his readers in a form admirably arranged, and the work so far as we have been able to examine it, is reliable and of much practical value. He gives first a short introduction. Part I. contains the Surrogate Courts' Act, the Act respecting guardians of infants, with notes and references. Part II. relates to common form business, and gives the Rules, Orders and Forms. Part III. treats of the appointment of personal representatives, their compensation, probate of will, administration, limited grants, and grants generally, with matters of practice relating thereto. Part

IV. discusses contentious business, and the whole concludes with an appendix giving various rules, tables of costs, statutes, some useful, practical directions, forms, &c.

Mr. Howell's labours cannot but be of great service to his brethren as well as to officers in the courts, and we trust that he may reap some fruit from his labours in a field of literature which, so far, has not been of a very lucrative character.

CORRESPONDENCE.

Transcripts to C. C.

To the Editor of THE LAW JOURNAL.

DEAR SIR,—In *Burgess v. Tully*, 24 C. P. 549, a serious defect in the law was pointed out by the Court, and several Sessions of the Provincial Legislature have been since held, but the defect is not remedied.

It was there held that a Division Court execution must be issued from the Division Court in which the judgment was obtained before a transcript could issue to the County Court under sec. 165. When the defendant lives in another division it is usually a farce to issue an execution in the division in which judgment was got, and it may happen that a defendant living in another division may have goods to satisfy the judgment, and yet be saddled with the costs of a transcript to the County Court, and executions against goods and lands and sheriff's fees.

Such a case has just come under my notice in which a defendant has had to pay not only the costs of transcript and executions, but costs of a chancery suit to get equitable execution against his lands.

This matter is surely not beneath the Legislature to remedy.

Yours truly,
BARRISTER.

October 22nd, 1880.

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Leith's Blackstone.

To the Editor of THE LAW JOURNAL.

DEAR SIR,—As you are doubtless aware there has been a new edition of *Leith's Blackstone* published, differing very materially