

brought in a Division Court. The title to land does not necessarily come in question in such an action. Similar words are found in the English County Courts Act to those in sec. 54, sub-sec. 4 of our Act; and it has never been questioned that the Courts had cognizance of the action for rent in ordinary cases.]—Eds. L. C. G.

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Statute labor—Apportionment.

TO THE EDITORS OF THE LOCAL COURTS' GAZETTE.

Sirs,—I am requested by our Township Council to ask your opinion on the following question:—Can the Municipal Council, in apportioning statute labour, place one individual on two divisions to work a portion of his labour on each, provided he is not called on to work more days than the law requires, each division passing his own property. An answer in your next issue will oblige,

Yours, truly,

ROWLEY KILBORN,

Clerk Tp. Clinton, Co. Lincoln.

[We think the Council have the power of so regulating the performance of the statute labour of the individual referred to.—Eds. L. C. G.]

REVIEWS.

THE INSOLVENT ACT OF 1864, WITH TARIFF, NOTES, FORMS, AND A FULL INDEX. By James D. Edgar, of Osgoode Hall, Barrister-at-Law. Toronto: Rollo & Adam, Law Publishers, King Street East, 1864.

This little volume must command an extensive circulation. The Act which it contains, and which it explains in annotated form, is as yet little understood, and many are interested in the speedy and correct understanding of it.

To attempt a comment upon an Act which has only been a short time in operation, in the absence of decisions to guide in its interpretation, is no doubt, as the compiler states, "a hazardous undertaking." But we have carefully examined his notes, and find that he has creditably acquitted himself. Some of his notes are of necessity speculative; but the greater part of them are practical.

The note to s. 2, as to persons entitled to make voluntary assignments, is well considered and carefully written; and, so far as we can judge, the conclusion at which the compiler arrives is undoubtedly correct. His note to s. 3, sub-sec. 2, as to the meaning of the word "trader," is one of the best on that subject that we have seen in any work of a similar kind to the one before us. We have not space to transcribe these notes, or we should be glad

to do so for the information of our readers and as good examples of what they who become purchasers of this work may expect to receive. The two notes to which we have referred are, perhaps, the most elaborate in the work; but there are many others no less valuable for learning, and as repositories of decisions early and late bearing upon the points suggested. We have been agreeably surprised to find to what a late period the compiler has brought down his cases. We observe reference to cases reported in current volumes of the *Law Times Reports* and *Jurist*; and at pages 35 and 81 we find noted the decisions of his honor Judge Logie in *Bugwell v. Thompson* and *Worthington v. Taylor*, as reported in 10 U. C. L. J. 304, 305.

This book, for the purposes of the Upper Canada lawyer, is more suitable than that of Mr. Abbott, which was reviewed by us in our last issue of the *Law Journal*. It would be well for all who can do so to become possessed of both; but those in Upper Canada who require one only cannot hesitate to prefer the work of Mr. Edgar. Those in Lower Canada who require one only will have as little hesitation in choosing Mr. Abbott's work. This might naturally be expected. The laws of Upper and Lower Canada, in regard to civil rights are so essentially different in their origin, that works in relation thereto, written in either section of the Province, must partake largely of the peculiarities in law of that section in which it is compiled. Hence in Mr. Abbott's work will be found many references to French law of as little service to the practical lawyer of Upper Canada as many of Mr. Edgar's references to English decisions will be to the practical lawyer of Lower Canada.

We are disappointed with the Tariff of Fees framed by the judges of the superior courts of Common Law and Chancery in Upper Canada, as compared with the Tariff framed by their brethren in Lower Canada, published in Mr. Abbott's work. Upon turning to Fees to Counsel in the Upper Canada Tariff, we read as follows:—

COUNSEL.

"Fee on arguments, examinations, and advising proceedings, to be allowed and fixed by the judge as shall appear to him proper under the circumstances of the case."

If there were only one judge in Insolvency the rule might not be very objectionable. But when we reflect that there are more than thirty, of different degrees of liberality, having different views as to amounts of fees that ought to be paid to counsel, we have little hope that there will be anything like uniformity. Perhaps there is no subject upon which even the judges of the superior courts so little agree as on the fees proper in amount for counsel, and certainly no subject more distasteful to them than applications for counsel fees. Whenever they can they throw upon the master the responsibility of settling the quantum of fees to be paid to counsel. We have known one judge *ex parte*