

Whatever a vendor puts upon his abstract he is bound to prove and verify.

Where in the contract, the word "produce" a good title is used the vendor is only entitled to interest from the day on which he has verified the title.

A summons to vary the chief clerk's certificate, finding that a letter alleging a fact creating a good title; and offering to prove it in a short time, was the period of which a good title was first shewn, dismissed with costs.

V. C. K.

PARSONS v. COKE.

June 29.

Will—Construction—Gift pointing out a mode of disposal—Ademption.

Where a testator devises property and *inter alia* certain mines, and all debts due at his decease in respect of such works, subject to pay all rents, royalties and debts, due from the concern, and the better to enable the devisee to carry on the works, bequeathes to him £10,000, the disposal by the testator in his lifetime of such property operates as an ademption of the gift of the debts, but not of the £10,000.

Semle, where there is a gift by a testator of debts due to him subject to the payment of debts due by him, it is impossible to impose upon the legatee the obligation of payment, supposing the payment would exceed the receipt.

V. C. K.

ROBINSON v. WOOD.

July 1.

Will—Construction—Vested interest subject to be devised—Gift over to a charity.

A testator gives all his property to trustees upon trust to pay and apply the rents of certain estates for the maintenance, &c., of A. until 21, and when she attains 21, upon trust to convey such estates to the use of A. her heirs and assigns for ever. In case she should die under 21, leaving lawful issue, in trust for such issue as tenants in common in fee; but in case she should die under 21, without leaving lawful issue, then over with an ultimate gift to a charity. A. survived those in remainder, and died under 21, without issue, the charitable gift being void under the statute of Mortmain.

Held, on the authority of *Doe v. Eyre*, 5 C. B. 746, that the gift to A. was divested by the charitable gift over, although that gift was for all other purposes void.

REVIEW.

THE NEW MUNICIPAL MANUAL FOR UPPER CANADA, containing Notes of Decided Cases, and a full Analytical Index. Edited by ROBERT A. HARRISON, B.C.L., Barrister at Law, Toronto. MACLEAR & Co., Publishers.

We have received from the publishers a copy of this most useful work, issued at the close of the year, and in excellent time to act as a guide for those to whom it is inscribed, "The Municipal Councils of Upper Canada," and their several members, in the performance of the duties which at the commencement of a new year devolve upon them.

We regret that our reference to the work cannot now be as full as its great and general importance would call for, our time being very limited. Mr. Harrison's well known character as an annotator is, however, of itself a guarantee that no labor has been spared in making it a desideratum for every lawyer and member or officer of a Municipal Council in the Province.

It contains the new Municipal Act, 22 Vic. cap. 99, carefully and extensively annotated, together with all the Acts and parts of Acts, taken in chronological order, in any way relating to municipal matters, which are to be found scattered through the twenty-two volumes of the Provincial Statutes.

It also contains the Rules of Court governing contested Municipal Elections, and a short but excellent Form of By-Law to contract a debt by borrowing money under sec. 222 of the new Act.

The Editor, in his preface, refers to what he has justly remarked in a prospectus to the work, that "the municipal laws of Upper Canada are in importance second to none of the laws of the Province; that every municipal council is a small parliament, possessed of extensive yet limited powers; and that to ascertain in every case the existence or non-existence of a power, the nature of it, its precise limit, and the mode in which it should be exercised, is the object of all who are in any manner concerned in the administration of municipal affairs." This being admitted, it must also be conceded that it is the plain duty of every member and officer of such a corporation to make himself acquainted with the nature of the laws by which his duties are specified and regulated.

The object of the MANUAL is to make this task comparatively easy, which, without it, the Councillor could not probably accomplish within his term of office. He will there find the whole law relating to his various and important duties and powers, compressed in a single and very portable volume, instead of having to search for it through two-and-twenty large volumes of the General Statutes, with nothing to guide him by way of note or comment.

It is unnecessary to point out its usefulness to the profession. We are satisfied that no lawyer's table (the book is almost too constantly referred to for his *shelves*) will be many days without a copy.

It contains 800 pages, including the Index, and is announced at the ridiculously low price of \$2—after the 1st March next, it will be raised to \$3 per copy.—(*Senior Editor, L. J.*)

THE GREAT REPUBLIC MONTHLY. New York: Oaksmith & Co. 112 and 114, William Street.

The first number of this illustrated Magazine is received. As its name indicates, it is intensely American, but as literature belongs to no nation, and as its literature appears to be of a high order, the Magazine will be found acceptable to Canadians as well as Americans. In our number for November were stated the terms of subscription, and similar information will be found to-day in our advertising columns.

A TREATISE ON THE LAW OF SUITS BY ATTACHMENT IN THE UNITED STATES, by C. D. Drake of St. Louis, Mis. Second Edition, revised and enlarged, with an Appendix containing the leading Statutory Provisions of the several states and territories of the United States, in relation to Suits by Attachment, and a treatise on Foreign Attachment in the Lord Mayor's Court of London, by John Locke. Boston: Little, Brown & Co. Toronto: A. H. Armour & Co.

This work by an American or an American subject is one of peculiar value to the Canadian Lawyer, inasmuch as it covers a branch of Jurisprudence common to both countries, and as yet untouched by any legal writer of ability at the English bar. Certain provisions of the Common Law Procedure Act of 1854 in England, and of our own Act of 1856, which are copied verbatim from them, opened out a new remedy to creditors somewhat similar to the remedies given in the Lord Mayor's Court of London, and enabled a creditor to attach debts due to his debtor and to recover the amount from the Garnishee, as he is called. Very few cases on the subject are to