

## CORRESPONDENCE—REVIEWS.

TO THE EDITOR OF THE CANADA LAW JOURNAL.

SIR,—As the time is drawing near when we are all to practice after the manner of the right wing of Osgoode Hall, perhaps it would be well to consider some of the provisions of the Act that is to bring about the "wholesome reform."

1. Under sec. 11, of the Act (36 Vict. cap. 8), "When in the opinion of a Court of Common Law, or a Judge thereof, it is necessary or proper in any action, to take accounts, &c., which cannot conveniently or properly be taken under the existing practice at law, the Court or Judge may order such accounts to be taken by the Master or any of the Local Masters of the Court of Chancery."

Now that section is unfair to Deputy Clerks of the Crown. Why should they not be qualified to take such accounts? Are the Judges of Common Law Courts to be obliged to send to Chancery officials who are in no way officers of their Courts?

2. What would be "sufficient reasons" (in the plural) under sec. 16?

3. Why not include breach of promise of marriage under sec. 17. Supposing a notice for a Jury has been given under the Law Reform Act in actions not included in sec. 17 of the Act under notice, is it not "too much reform" to give a Judge power to say a jury shall not be had though desired?

4. Under sec. 19, (read sec. 16), if the case be one in which a jury has been demanded, and if neither party asks to have the equitable issues tried by jury, under sec. 16, is the Judge to try the equity side and the jury the legal issue, or the Judge give way to the jury, or the jury to the Judge?

5. Sec. 20: Why not except slander?

6. Sec. 21: Why not let the third Judge "sit separately," "either at the same time or at different times?" What "business" is meant by this section? and does it in any way enlarge the powers held by a Judge in chambers? Perhaps the introduction of the chancery word *decree* means something. The profession will require a batch of rules under this section to guide them.

7. Sec. 23: Supposing decision not given until after fourth day of term, how then?

8. Sec. 24: Beyond adding costs to

the suit and getting out of your opponent the secrets of his counsel's brief, of what utility is this section? Such evidence cannot be used on the trial if the witness is within the jurisdiction, &c. (C. S. U. C. cap. 32), and the case of a witness abroad is already provided for.

9. Sec. 39: Why not file the order and issue an execution upon it?

10. Sec. 45: Supposing goods destroyed, must defendant go to gaol?

11. Sec. 48: Has a common law Judge power to order common law costs to be taxed on an equitable issue tried before him?

12. What is the meaning of sec. 49?

I should be glad if some of your many readers would enlighten the rest of us on these points, through the columns of the *Law Journal*.

Yours truly,

COUNTRY ATTORNEY.

## REVIEWS.

AN EPITOME OF LEADING COMMON LAW CASES, with some Short Notes thereon. Chiefly intended as a Guide to Smith's Leading Cases; by John Judemaure, Solicitor (Clifford's Inn Prizeman, Michaelmas Term, 1872.) London, Stevens & Haynes, Law Publishers, Bell Yard, Temple Bar, 1873.

All students should at some time or other "read well, learn, and inwardly digest" Smith's Leading Cases. Most students who do so make an epitome of each case, as well for future reference as for present digesting. Mr. Judemaure did this when reading for his final examination as a solicitor, and has published his abridgment of each case "with some few additional ones and some Short Notes bearing directly on the different decisions." The abridgment will be useful to the student as a help to the reading of the larger volumes, but not as a substitute for them.

We have read of men eminent in the profession who yearly read Smith's Cases in order to be at all times and under all circumstances fully seized of them. A barrister or solicitor, in large practice, cannot well spare the time for such an annual reading, even should he find it desirable to do so. But to all such Jude-