

Q. B. CRAMPTON v. WALKER. Nov. 20.
Pleading—Set off—Action on indemnity against a Bill of Exchange.

In an action on an indemnity against a Bill of Exchange, the plaintiff alleged generally, as damages, that he had been compelled to pay the Bill with interest, and the costs in an action brought by the holder of the bill, and had incurred costs himself in defending the said action.

Held, that each of these heads of damage constituted a distinct cause of action, and that the plaintiff could not, by declaring in the above form, deprive the defendant of his right of pleading a set off to that portion of the of the damage which was liquidated; that a set-off therefore which was confined to the amount of the Bill and interest only was well pleaded.

EX. GEE AND ANOTHER v. LANCASHIRE & YORKSHIRE RAILWAY. Nov. 14.
Damages, measure of—Contract—Misdirection—New Trial—County Court appeal—Costs.

In an action against a railway company for delay in carrying and delivering goods where there was no special contract, the judge directed the jury to find a certain sum for the wages of the plaintiff's servants who were kept out of employment by the non-arrival of the goods; and also left it to the jury to name the amount the plaintiff's should recover by the loss of profits from the same cause.

Held, to be a misdirection.

In a county court appeal, the appellant begins:—

When new trial granted on ground of misdirection, no costs allowed.

Q. B. MYERS v. SARL. Nov. 20.
Evidence—Custom—Written Instrument.

A contract contained a clause in which it was stipulated that "a weekly account of work done" should be delivered. A weekly account was delivered, but of a portion of the work done only.

Held, that parol evidence was admissible to shew that in the trade to which the contract had reference the term was applicable to work only of a peculiar kind.

Where in a particular class of dealing words have acquired a peculiar meaning, well established, parties contracting with reference to that class of dealings who use those words, must be taken to have used them in the acquired, and not in the ordinary and popular meaning. Where a clause stipulated for all extra work written directions should be given, under the hand of the architect.

Held, that a sketch made by the architect, and not signed by him, was not such a direction as complied with the contract.

B. B. BAILEY v. OWEN. Nov. 24.
Common Law Procedure Act, 1852, ss. 10, 11, 222—Re-sealing of writ of summons—Statute of Limitations.

The court will not allow a writ re-sealed too late to take a cause out of the provisions of the statute of Limitations by mistake of the attorney to be re-sealed *nunc pro tunc* for this purpose.

B. C. COOK ET AL. v. JONES (In the matter of a plaint in the County Court of Montgomeryshire).
County Court—Rule to enter verdict—Time for application

Where on the 20th of April, 1860, a cause was tried in a County Court, and the jury having found a verdict for £10, the judge directed the Registrar to enter a verdict for nominal damages only; an application on the 4th of May, 1861, for a rule nisi to enter the verdict for the sum found by the jury, was held too late.

REVIEWS.

SKETCHES OF CELEBRATED CANADIANS AND PERSONS CONNECTED WITH CANADA FROM THE EARLIEST PERIOD IN THE HISTORY OF THE PROVINCE DOWN TO THE PRESENT TIME: by HENRY

J. MORGAN, compiler of the Tour of H. R. H. the Prince of Wales. Quebec: Printed and Published by Hunter, Rose & Co.

This is the title of a very handsome volume containing 800 pages, recently issued in Lower Canada. The author is a young man occupying a subordinate place in the public service, who, instead of wasting his time, in idleness or dissipation, has sufficient good sense to turn it to better account.

The author does not presume to advance any claims to originality with respect to a great portion of the contents of the work, derived, as they have necessarily been, from various home and local publications, a list of which he publishes. The author at the same time expresses himself sensible that his work is imperfect not only in its details, but in the exclusion from its pages of numerous names which ought to have figured in, and graced the work. For these he pleads the inexperience and incapacity of youth in matters with which he has perhaps prematurely grappled, the difficulty of obtaining accurate information, and the long period of time which the work covers.

The author having said this much, has nearly disarmed criticism. Indeed it would be cruel and unfair when we know the circumstances under which the work was written, and the comparative inexperience of the writer, to do or say anything which might have a tendency to crush such praiseworthy endeavors. The work does not profess to be a complete biography of every celebrity, or complete in details as to those whose lives do appear. It is called "Sketches of Celebrated Canadians." In it will be found much to interest and much to entertain. It will be found a much more pleasing and instructive railway companion than the trash which is generally dealt out by news vendors on railway trains. It will be found very opportune to wile away the leisure hour either on car or boat, or at the fireside. The reading matter is not heavy. The mind will not be burdened by details about which it cares nothing. No one is obliged to read all the lives published in the volume. A selection may be made, and by random snatches time may be pleasantly, if not profitably beguiled.

Some readers may be disappointed in not finding lives which they may have good reason to expect. Such readers must remember the circumstances under which the book was written, instead of hastily condemning it. The book certainly does not for the present profess to give a sketch of the life of every celebrity. It is wonderful that under the circumstances mentioned by the author, so much has been done. No doubt in the future editions of the work he will avail himself of such information as can in the meantime be collected towards supplying acknowledged omissions.

The work is a credit to the author and a credit to the publishers. It reflects as much on the industry of the one as it does on the enterprize of the other. It is an effort that deserves encouragement at the hands of all Canadians and all interested in Canada. We are glad to learn that so far neither the expectations of the author or publishers have been disappointed.

APPOINTMENTS TO OFFICE, & C.

REGISTRARS.

WILLIAM GEORGE DRAPER, Esquire, to be Registrar of the City of Kingston—(Gazetted, 18th January, 1862)

NOTARIES PUBLIC.

ROBERT SMITH, of Stratford, Esquire, to be a Notary Public in Upper Canada.—(Gazetted, 18th January, 1862)

TO CORRESPONDENTS.

"A SUBSCRIBER"—Under "Division Courts."
"L.S."—Under "General Correspondence."