journal may be in error, and a particular question cannot be accepted as finally settled till there is an adjudication on the point. As yet, it has not been directly decided, but the language used by Robinson, C. J., in *Culloden* v. *McDowell* (17 U. C. Q. B. 359), would throw some doubt as to whether the Division Court execution binds goods generally from the time of delivery to the bailiff; though as between an execution from the Superior Courts and the Division Courts, priority in time of receipt settles the right, under sec. 266 of the C. L. P. Act.

But if our correspondent will look closely at what the writer in the Manual says, he will see that the position is by no means positively laid down as law. The language is as follows: "The rule *has always been considered*, as applying to executions from the Division Courts," &c. And again, in another place: "A Division Court bailiff *would seem* to be justified in seizing any goods sold by defendant in the ordinary way *after* execution delivered to bailiff," &c. And in a subsequent paragraph it is plainly implied that the power is questionable; and in speaking of the subject in the July number of the *Law Journal*, in 1857, we only dealt with the question as regards priority between executions from Division Courts and Superior Courts.

The point which troubles our correspondent is not yet settled; that is the most that can be said; and the note in *Culloden* v. *McDowell* goes beyond the actual decision. It is founded on the following remark by the judge in reference to a Division Court execution: "It could not bind the property before it came to the bailiff's hands, if indeed it could before an actual seizure made under it; for it is not to be assumed that an execution from an inferior court binds from the time of its delivery to the bailiff." Now, the clause in the C. L. P. Act to which reference has been made, was not brought under the notice of the court in *Culloden* v. *McDowell*, and it has an important bearing in respect to the question.

The note to a Kingston bailiff's letter in the last number was designed to direct special attention to the subject, and not intended to convey any deliberate and positive opinion from the conductors of the *Local Courts' Gazette.*]

REVIEW.

THE MAGISTRATE'S MANUAL; by John McNab, Barrister-at-Law. Toronto: W C. Chewett & Co., 1865.

The scope of this work is explained on the title page as being "a compilation of the law relating to the duties of Justices of the Peace in Upper Canada, with a complete set of Forms, and a copious Index,"—a most acceptable addition to the sources of information open to the magistrates of the country.

The book commences with a short sketch of the office of a Justice of the Peace, which is partly composed of an extract from an article in the December number of the *Law Journal* for 1863. The author complains that the remarks there made, though worthy of attentive consideration, are written in too condemnatory a spirit, and hints that the remedies proposed, with the exception of the first, would be of doubtful advantage. The first suggestion alluded to was, to amend the law by establishing an uniform mode of procedure in all cases of summary conviction, and giving a full set of forms, &c. The second was to transfer the jurisdiction in certain cases to Division Courts, leaving to magistrates the ministerial duties of the office, including the arrest of offenders. The third, taken from a suggestion by an English law periodical, was, the appointment of a clerk, a barrister of five years standing, in each petty sessional division.

The great difficulty in a new country like this, and there is no use in trying to disguise the fact, much as our author may condemn plain talking, is this, that there are so few men, comparatively, in country places, who have the education necessary, not, to understand and judge fairly and impartially of the matter brought before them, but to be conversant with and apply the general rules and statutes laid down for their guidance, and to draw the papers required in the conduct of the complaint they have to adjudicate upon. How can it be otherwise in a country like this? Why, even in England, where there is almost a limitless choice amongst men of first-rate education, with nothing else to do, and with much greater experience, the same difficulty is felt.

The second suggestion is, we still think, a valuable one, the one great difficulty being that it would throw much more work upon our already over-tasked county judges. The effect of it, however, would be, we think, to