

bank were the plaintiff suing as creditor on the present occasion. I am therefore bound by the judgment of Lord Westbury in *Spirett v. Willows*. [His Honour read the opening passages of Lord Westbury's judgment in *Spirett v. Willows*, 13 W. R. 329, 3 DeG. J. & S. 302, to the end of the following passage:—] "If the debt of the creditor by whom the voluntary settlement is impeached existed at the date of the settlement, and it is shown that the remedy of the creditor is defeated or delayed by the existence of the settlement, it is immaterial whether the debtor was or was not solvent after making the settlement."* That is to say, if the debt of the creditor existed at the debtor's death, it is immaterial whether the debtor was or was not solvent at the time of making the settlement.

I must therefore declare this settlement to be fraudulent and void as against creditors. There must also be an inquiry whether any and which of the creditors assented to or acquiesced in the voluntary deed.

Jan. 22.—The case being spoken to on the minutes, his Honour was of opinion that the plaintiff, being entitled as against the defendant Pope to costs as between party and party, would be entitled to recover the difference between the costs as between solicitor and client, and costs as between party and party, from the estate of the deceased.

REVIEWS.

THE LAW MAGAZINE AND LAW REVIEW. May, 1870. London: Butterworths, 7 Fleet St.

This number opens with an article on the subject of the Civil Code of New York, to which writers in England have paid much more attention than its intrinsic merits warranted, but this is in accordance with the usual desire of Englishmen to praise everything that emanates from a country which dislikes and despises England in an equal ratio to the amount of senseless adulation that the latter on every conceivable occasion bestows on everything American.

The next article discusses the distinction between The Law Military and Martial Law. Then there is rather a lengthy notice of the

—whether, at the time of filing the bill, any of the debts remain due which were due when the deed was executed. In such a case, as any of the prior creditors might file a bill, it appears to me that a subsequent creditor might do so too; but if at the time of the filing the bill no debt due at the execution of the deed remains due, the distinction may be that then a subsequent creditor could not file a bill, unless there were some other ground than the settlor being indebted at the date of the deed to infer an intention to defraud creditors. *However, I do not find any such rule laid down, and I shall not take upon myself to lay it down positively.*

It is questionable how far this language warrants the inference which appears to be drawn by Vice-Chancellor James, that a subsequent creditor who files a bill is, for all intents and purposes, on the same footing as a prior creditor who does so.

* See, however, as regards subsequent creditors, the passage immediately following upon this, which was cited on the present occasion in the argument of counsel on behalf of the defendant Pope.

diary of a Barrister, which gives some pleasant reading for a spare half hour. The speech of Hon. W. B. Lawrence on the Marriage Laws of various countries as affecting the property of married women, delivered at the British Congress of the Social Science Association in October last, is interesting and useful for reference. We commend it to the champion of women's rights in the West, the enterprising Editress of the *Chicago Legal News*.

Mr. Justice Hayes, lately one of the Judges of the Queen's Bench in England, and whose sudden death last November was much deplored, is highly spoken of in the next article. He is described as a deeply read lawyer, with an acute intellect and subtle mind, as well as a man of great and varied accomplishments, and in social life a universal favorite. Some of our readers may have heard of the celebrated case of the "Dog and the Cock," descriptive of a trial where a country jury acquitted a prisoner who was found with a newly killed fowl in his possession, on the suggestion of an ingenious counsel that a dog, whom no witness had seen or heard—but as to whom "there might have been a dog although you didn't see it"—had worried the fowl, that the prisoner had come up and rescued the fowl, wrung its neck to put it out of pain, and put it in his pocket "just to give the prosecutor;" it is said that a song written upon this by Mr. Hayes, and occasionally sung by himself, was a thing never forgotten by those who heard it.

There are also articles on Friendly Societies—A. M. S. of Vacarius—Church Patronage in England and Scotland—The Lord Chancellor's Judicature Bills, &c.

APPOINTMENTS TO OFFICE.

ADMINISTRATOR OF THE GOVERNMENT.

THE HON. EDWARD KENNY, a Member of the Queen's Privy Council for Canada, to be Administrator of the Government of the Province of Nova Scotia, and to execute the office and functions of Lieut-Governor during the absence of Lieut-General Sir Charles Hastings Doyle, the Lieut-Governor of the said Province. (Gazetted May 13, 1870.)

JUDGE—SUPERIOR COURT—QUEBEC.

LOUIS EDWARD NEPOLEON CASALTY, of the City of Quebec, in the Province of Quebec, Esq., one of Her Majesty's Counsel, learned in the Law, to be a Puisne Judge of the Superior Court, for Lower Canada, now the Province of Quebec, in the room and place of the Hon. Felix Adilon Gauthier, resigned. (Gazetted May 27, 1870.)

NOTARY PUBLIC.

CHARLES E. HAMILTON, of the Town of St. Catharines, Esq., Barrister-at-law. (Gazetted May, 21, 1870.)