

MONTHLY REPERTORY.

COMMON LAW.

Q. B. DAILEY V. DE FRIES AND ANOTHER.

Bill of exchange—Defence to—Fraudulent drawing—Notice of fraud—Onus of proof—Evidence.

The plaintiff having, without inquiry and at a heavy discount, taken a bill drawn by a partner in fraud of the firm, from a person who had taken it from the fraudulent drawer with knowledge of the fraud; the bill having upon it a name which made it perfectly good.

Held, that these facts were evidence on which the jury might presume that the plaintiff took the bill *malis fide*.

Q. B. SANDREY V. MICHELL AND ANOTHER.

Administration—Bond given by administrator in Probate Court—Effect of condition—Validity—Breach—Wasting assets—Right of action for benefit of particular creditor

A bond given by the sureties of an administrator in the Probate Court, in the form issued by that Court, cannot be put in force by a particular creditor, for his own benefit, and it is not a good breach in an action by a creditor thereon that the administrator has so wasted and misapplied assets out of which he could have paid the creditor's debt that it is unpaid.

Quære, whether such a bond is valid.

Semble, that it is so.

REVIEWS.

THE LAW MAGAZINE AND LAW REVIEW (London: Butterworth, 7 Fleet Street.) is received. It had a miraculous escape from a watery grave. It was on board the *Bohemian* at the time she struck a rock, and no doubt was for some time submerged, for the number reached us in a such a wet state that for several days we were unable to open it. When we did open it it was with much pleasure, for several of the articles are of rare merit. The first on "Law Reporting," is a temperate and well-written paper on a topic which at present is causing much discussion in the mother country. The writer recommends two sets of reports—one "ephemeral," for immediate use; and the other "permanent," for future reference. Next we have two papers on "American Secession and State Rights." In the number of the *Law Magazine* for August, 1862, appeared an article on the subject, which provoked two answers, one from Judge Redfield, of Boston, Mass., U.S., and another from G. H. S., also of Boston. The former was published in the *Law Magazine* for November, 1862: the latter is published in the current number. This number also contains a reply from the original contributor. We but add the parties are "at issue." The remaining papers are on various topics, such as "What is the value of a Ship?" "Recent works on the English Constitution;" "On the sphere and functions of an Academic Faculty of Law;" "General average;" "Enemy's Territory;" "Patent Law Amendment;" "Transfer of Lands by Registration of Titles;" and an *omnium gatherum* headed "Postscript."

THE WESTMINSTER REVIEW for January (New York: Leonard, Scott & Co.) is also received. The publishers announce that, in consequence of the great scarcity of printers, caused chiefly by the continuance of the war, they divided the January number of the Reviews among several job offices, to facilitate their early publication; but the experiment failed, and, moreover, resulted in the inferior workmanship shown in the present number. They promise to endeavor to prevent this in future, but subscribers are requested not to become impa-

tient at delay or irregularity in the future receipt of their publications while causes remain which the publishers cannot control. The contents are: Life and Writings of Roger Bacon—The Tunnel under Mont Cenis—Astrology and Magic—The Depreciation of Gold—Gilechrist's Life of William Blake—Parties and Prospects in Parliament—The inspired writings of Hinduism—Russia—The Physiology of Sleep.

THE LONDON QUARTERLY for January (New York: Leonard, Scott & Co.) is also received. The contents are: China—New Englanders and the Old Home—Forsyth's Life of Cicero—Captain Speke's Journal—Guns and Plates—Eels—Rome in the Middle Ages—The Danish Duchies.

Leonard, Scott & Co. deserve great credit for the manner in which these reprints have hitherto been published. They also deserve the thanks of the American reading world for the opportunity afforded of having the staple literature of England furnished at very low prices. Subscribers no doubt will exercise all possible forbearance with the publishers under the circumstances which now for the first time since the series was commenced cause delays and irregularities—circumstances which the publishers well say they cannot control. We know that whatever is possible for men to do under the circumstances, in order to meet their engagements, will be done by these enterprising publishers.

GODEY for March is also received. It abounds as usual with illustrations and valuable information. Now that Spring is approaching Godey ought to be much in demand among that class for whom it is particularly intended—the ladies.

APPOINTMENTS TO OFFICE, &C.

COUNTY CROWN ATTORNEYS.

TIMOTHY BLAIR PARDEE, of Saratoga, Esquire, Barrister-at-Law, to be County Attorney in and for the County of Lambton, in the room and stead of Frederick Davis, Esquire, resigned. (Gazetted February 20, 1864.)

CORONERS.

ETIENNE ROMUALD EUGENE RIEL, of the City of Ottawa, Esquire, M.D., Associate Coroner for the City of Ottawa and County of Carleton respectively. (Gazetted January 30, 1864.)

FREDERICK HOMER YOUNG, of Princeton, Esquire, M.D., Associate Coroner, County of Prince Edward. (Gazetted February 13, 1864.)

RICHARD LUND, of Cookstown, Esquire, M.D., Associate Coroner, County of Simcoe. (Gazetted February 13, 1864.)

NOTARIES PUBLIC

ADAM HUDSPETH, of Lindsay, Esquire, Attorney-at-Law, to be a Notary Public in Upper Canada. (Gazetted January 30, 1864.)

SAMUEL MCCOY, of Newcastle, Esquire, to be a Notary Public in Upper Canada. (Gazetted January 30, 1864.)

WALTER J. HAYWARD, of Belleville, Esquire, Attorney-at-Law, to be a Notary Public in Upper Canada. (Gazetted February 13, 1864.)

DAVID GLASS, of London, Esquire, Attorney-at-Law, to be a Notary Public in Upper Canada. (Gazetted February 20, 1864.)

CHARLES F. CLARKE, of Clinton, Esquire, Attorney-at-Law, to be a Notary Public in Upper Canada. (Gazetted February 20, 1864.)

ROBERT SULLIVAN, of Toronto, Esquire, Barrister-at-Law, to be a Notary Public in Upper Canada. (Gazetted February 20, 1864.)

GEORGE THOMAS WEBSTER, of Brantford, Esquire, to be a Notary Public in Upper Canada. (Gazetted February 27, 1864.)

PROSPER A. HURD, of Prince Albert, Esquire, Attorney-at-Law, to be a Notary Public in Upper Canada. (Gazetted February 27, 1864.)

REGISTRARS.

ALEXANDER BURRITT, Esquire, to be Registrar of the City of Ottawa. (Gazetted February 20, 1864.)

JOHN MCLEA, Esquire, to be Registrar of the County of Bruce, in the room of Nathaniel Hammond, removed. (Gazetted February 27, 1864.)

TO CORRESPONDENTS.

"T. W. K. S."—Under "Division Courts"

"LAW STUDENT"—"P. T. I."—"ARTICLED CLERK"—"ALQUIS"—"LEX"—"J.T." Under "General Correspondence."

"S. G. W." will appear in next issue. Thanks