

The act generally leaves the question of fees (especially fee fund fees) in great doubt. What was the Attorney General about when he left the Government in the lurch? In this way I thought he was so careful of the public purse!

The 24th section is a useful one, only it may take fees out of the clerks pockets. It allows the renewal of executions without their re-issue. Section 26, grants the power to judges to give new trials in interpleader trials.

Section 17 repeals a part of the old Division Court law, with respect to the defence of set off, and (as the writer in the *Leader* says) leaves the whole matter of set-off *in a fog*. I have not much room here to enlarge on this part of the act. This act was intended to be framed with great care, and is so to a great extent, yet it shows how difficult it is often for the best lawyers, to be as clear as they ought to be, in framing laws, on matters with which their minds are familiar.

L. E. X.

24th March, 1869.

[We cannot say that we agree in all respects with our correspondent, nor do we think the act, admirable as many of its provisions are, is deserving of all the praise he bestows upon it. The Board of Judges may do much by their Rules to remedy defects, omissions and mistakes; of which there are undoubtedly many in the act. Section 17 is, we apprehend, intended to repeal section 95, not section 93. Ed.]

Master and Servants' Act—Refusal to "pay the piper."

TO THE EDITORS OF THE LOCAL COURTS' GAZETTE.

A. an innkeeper, employs B. a fiddler, to play for him at a ball on a given evening. B. performs his agreement, but A. for certain reasons, disputes his liability, whereupon B. lays an information before a magistrate under the Master and Servants' Act, Con. Stat. U. C., cap. 75 sec. 3, to recover the sum agreed upon.

As there is a difference of opinion among our magistrates as to whether such a case comes within the 3rd sec. of said Act, your opinion in the next number of the Local Courts' Gazette, will oblige,

A SUBSCRIBER.

Clinton, Feb. 25, 1869.

[The Magistrate, as we think, no jurisdiction in such case.—Ed.]

Division Courts—Where a Bailiff may be sued.

TO THE EDITORS OF THE LOCAL COURTS' GAZETTE.

DEAR SIR,—Can a bailiff be sued in adjoining Division in another County from which he officiates as bailiff, when such Division is nearer the clerk's office, or the holding of the court, than any other in the County where he is bailiff.

Your answer to the above will much oblige,

AN OLD SUBSCRIBER.

Galt, Feb. 20, 1869.

[If the Court be nearest to defendant—He can.—Ed.]

REVIEWS.

THE LAW MAGAZINE AND LAW REVIEW: February, 1869, London: Butterworth.

We draw largely from the masterly pages of this welcome quarterly. The last number contains articles on the following subjects:—Jettison and General Average—Considerations on the facilitating proceedings in Criminal matters—Lord Kingsdown, formerly known as Mr. Pemberton Leigh, who is spoken of as a lawyer of much ability, but whose name, he being a mere lawyer, though successful and upright, will be scarcely known to posterity—Post nuptial Settlements—The High Sheriff, which we copy—London Criminal Law and Procedure and Church Patronage, neither of which will interest us much here—Lord Cranworth—Amalgamation of the Professions—Recent decisions on the Equitable doctrine of notice, transcribed for the benefit of our readers—&c.

THE AMERICAN LAW REVIEW: Boston: Little, Brown & Co. January, 1869.

This comes naturally in order after the quarterly it would seem to take partly as a model. It commences with an excellent article on the confinement of the insane, then follow other articles of much interest to its readers south of us. It contains the usual excellent digests of cases, English and American, that we have so often alluded to.

BOOKS RECEIVED.

We also acknowledge the regular receipt of THE SOLICITORS' JOURNAL and WEEKLY REPORTER; THE LAW TIMES, with Reports; THE AMERICAN LAW REGISTER; BLACKWOOD and the English Quarterlies; LOWER CANADA JURIST; LEGAL INTELLIGENCER, Philadelphia; LEGAL JOURNAL, Pittsburg; CHICAGO LEGAL NEWS; GODEY'S LADIES BOOK, &c.