

E. F. subsequently sues G. H. for the book debt. Can G. H. plead the suit on the note in estoppel?

The amounts in the above cases do not, you observe, raise the question of jurisdiction.

(c) *Division Court—Attachment—Judgment—Execution—Priority.*

A. B. attaches the goods of C. D., and proceeds by summons at the next ensuing Court, and obtains judgment.

E. F. also, at the same Court, sues C. D., and obtains judgment, and issues execution before A. B.

Can the execution of E. F. be levied on the goods attached by A. B., to the prejudice of his attachment. Does not the priority of A. B. ensure back to his attachment? Supposing the Judge had given A. B. execution in 20 days, and E. F. in 15 days, would E. F. take the attached goods in execution to the prejudice of A. B.'s prior attachment?

(d) *Division Court—Chase in action—Assignment—Evidance.*

A. B. assigns his stock-in-trade, securities for money and book debts, to C. D., for the benefit of himself and other the creditors of A. B.

C. D. desires to sue on the book debts. Can he, in his own name with the addition of "assignee of A. B.," sue for the book debts?

Would A. B. be a competent witness for C. D.?

I remain, Sir,

Your obedient servant,

P. F. P.

15th February, 1855.

[(a) There is some difficulty in the question; the 26th section of the Act seems to contemplate actions for *debt* more particularly, though its principle would doubtless comprehend also actions sounding in *damages*. If the conversion of the stove and trimmings together was one act (constituting the party's cause of action) we think the better opinion is that C. D. might plead the recovery in the first action in bar; if not, surely it might be contended that A. B. could bring separate actions for every pot and pan!

Supposing the second action to lie, it is a case plainly calling for the exercise of the Judge's discretion in *disallowing* costs to the plaintiff.

(b) He cannot, but when both suits are matured to Judgment, one can be set off against the other, under the 51st section of the Act.

(c) This case will probably be noticed in the next number, if in the meantime no answer is sent to us.

(d) A book debt is not assignable at law so as to give a right of action in the name of the assignee, and there is nothing in the Division Court Law to warrant it; on the contrary, the 90th section of the Act plainly recognizes the principle that the creditor's name must be used, and makes provision to meet it. See also the 19th Rule.

If, however, the defendant does not object, the Judge is not called upon to reject the claim.—*Ed. L. J.*

NOTICES OF NEW LAW BOOKS.

The Rules of the Courts of Queen's Bench and Common Pleas, the Municipal Council Rules, the County Courts' Equity Extension and the New Division Court Rules; together with a complete compilation of The Criminal Law of this Province.—By W. G. DRAPER, M.A., Barrister-at-Law. Toronto: Maclear & Company, 1855.

The very valuable compilation, by the Hon. J. Hillyard Cameron, some years ago, of The Rules of the Court of

Queen's Bench, together with the addition of such of the Statutes on Criminal and General Law as were most generally referred to, had gradually, and necessarily so, become so much superseded by the fusion of new rules and statutes into our system of Jurisprudence in this Province, (added to its having for some time been out of print), that such a work as that of Mr. Draper was greatly needed. The one before us most ably supplies the existing want. Though based in principle on that of Mr. Cameron, it has the advantage of much additional matter, especially the Local Courts and Municipal Council Rules, whilst those of the Superior Courts are now presented to the Practitioner in alphabetical order under their respective titles, at the foot of each being placed the date of its Term.

The same advantage obtains in the compilation of Criminal Law,—an admirable alphabetical arrangement of our several Provincial Statutes, or such portions of them as relate to that branch of the Law. This renders the work peculiarly useful to the Magistracy of this Province, and we cordially recommend that body—as a necessary means of assisting them in the due administration of the office—as well as members of the Profession, to avail themselves of the labour and talent which Mr. Draper has exercised in the volume. For *Nisi Prius* reference, we regard it as indispensable. The price is 20s., and the volume of a portable size.

The Municipal Manual for Upper Canada, Fifth Edition. Toronto: Thompson & Co., 52, King-street East.—Price 10s.

Were any proof requisite for the necessity which exists for such a work as this, it might be found in the number of cases which so frequently arise in our Superior and Local Courts on questions of Municipal Law. The cause of this no doubt exists in the difficulty which occurs from the frequent amendment of those Laws, in each successive Session, and the awkward mode of amendment by Schedules adopted by our Legislature, which renders to most of our County Councils, the Law (which in any event requires much study) as a sealed book.—The present work, however, places each section of the several Municipal Laws in its proper place as it should stand, if complete in one Act, and obviously saves great trouble to the reader; and in this respect is a decided improvement on the editions of preceding years by the late Mr. Scobie.

There are also contained Acts and sections of Acts useful for reference, but we would suggest that those having mere local effect and interest, might with benefit to the Public be omitted, and thereby afford room for the substitution of the School Acts, in the same volume. In addition, there is a carefully prepared Analytical Index, which greatly facilitates the reference to the different Acts, and we doubt not that the enterprising Publishers will have numerous demands for the work from Practitioners, Magistrates, Township Councillors, and others interested in Municipal affairs.

An Analytical Index to the Upper Canada Division Courts' Acts, and to the Rules and Forms in use in the several Division Courts in Upper Canada, as approved by the Judges of the Superior Court of Common Law, by His Honor JAMES ROBERT GOWAN, Judge of the County of Simcoe. "Leader" and "Patriot" office, Toronto.

Since the Extension Act of 1853, a General Index—referring to the Acts of 1850 and 1853, as well as to the Rules and Forms—for the whole body of Law, pertaining to the Division