

REVIEWS—CORRESPONDENCE.

a schedule of forms, and a very full index, which adds much to the value of the work.

The typographical part of the work is exceedingly good, and reflects much credit on the publishers.

THE LIBERTY OF THE PRESS, SPEECH, AND PUBLIC WORSHIP, being Commentaries on the liberty of the subject and the laws of England, by James Paterson, M.A. London: Macmillan & Co., 1880.

Mr. Paterson is an original thinker and an original writer. We were much struck with this in his Commentaries on the laws of England, in reference to the security of the person. The present work takes up different branches of the same general subject, and they are treated in the same broad and masterly manner.

As regards the book before us, there seem no special reasons at first sight why the two subjects—The Liberty of the Press and the Security of Public Worship—should be discussed in the one volume. The reason given by the author in his previous work is, that the Security of Public Worship is only another name for the Security of Thought and Speech, when applied to one prominent subject matter. This may be true, but the connection still seems more theoretically fanciful than practical. This, however, is a matter of little moment.

The author's works are not ordinary text books, either as to matter or mode of treatment. They are written in a style peculiarly his own, and bring out new and original views on old and well-worn subjects. They seem to be the result of a very extended range of reading, bringing before the reader unexpected connections and new light from sources apparently unsought before.

The first part of the book is devoted to the law relating to the security of thought, speech, and character, and treats of the freedom of public meetings, addresses, the press and correspondence by post; restrictions as regards blasphemy and immorality; abuse of free speech; libels and their characteristics and remedies, and, finally, copy-rights, patent rights, and trade marks. The second part of the work speaks of the ten-

dency to public worship, and the laws as to profane swearing and witchcraft, and a variety of matters relating to Church government, parish law, rights and liabilities of the clergy, toleration, nonconformists, &c., most of them subjects of comparatively little practical use to us in this country.

CORRESPONDENCE.

Can Division Court Clerks be garnished for money collected by them?

To the Editor of THE CANADA LAW JOURNAL.

SIR,—As the above point has received no distinct decision, and as a great diversity of opinion appears to prevail among the profession, permit me to offer a few observations pertinent thereto.

The answer to the above question depends upon the answer to this other question: is there a debt due or owing (see §124 Div. Courts Act) by the Clerk of the Court to the primary debtor? If there is such a debt, then it is surely garnishable, if not then, it is surely not garnishable. On turning to Worcester, we find a debt defined to be "That which is due to a man under any form of obligation or promise." Is the money in the Clerk's hands due to the primary debtor under any form of obligation? See rule of Court 97 also s. 27 of Division Courts Act as to covenant to be given by clerk, and form of such covenant in schedule to the Act—that the clerk "shall duly pay over to such person or persons entitled to the same all such money as he shall receive by virtue of said office of clerk." The statute, as I understand it, puts the clerk in the position of a debtor to the primary debtor. On the other hand, it is maintained that there is no "debt" in the proper sense of the term, that the clerk is the official of the Court, that his existence as a person is merged in the higher entity of the Court, that the Court is not a debtor, that the money paid into Court is paid to the primary debtor theoretically and philosophically, and that therefore, &c.

This reasoning is very refined, very complicated, very ingenious, and I submit, very unintelligible. The interpretation of the Division Courts Act, which will give the highest