riage with her; several children having been born during their cohabitation.

Held, that Sarah and her children were sufficiently indicated by the testator to enable them to take under the bequest contained in his will.

L. J. April 18, 19, 26.

Lloyd v. The London, Chatham and Dover Railway Company.

Injunction—Breach of covenant—Mistake—Acquiescence—Public policy.

Where a breach of covenant is proposed, the court will not refuse to interfere on the ground that there has been a mistake on the part of both parties in the form of the covenants; or that the aggrieved party may have already permitted some other infringement of the covenant; or on the ground of inconvenience to the public (Knight Bruce, L. J., dissentiente).

Before the court would refuse to enforce a covenant, it must be clear that no substantial damage could arise from the breach of it. (13 W. R. 698.)

V. C. K. May 8, 9.

Bell v. Wilson.

Mines—Deed reserving mining rights—Construction—"Minerals"—Freestone.

Where, in a conveyance of land in Northumberland, there is an exception of "all mines and seams of coal and other mines, metals and minerals" in favour of the vendor, freestone is not included in that exception. Although the word "minerals," in its most extensive sense, means all that composes the earth's crust, including the superfices, it is not so in the case of vendor and purchaser.

Every case of exception in a conveyance depends on its own circumstances, and the intention of the parties. (13 W. R. 708.)

REVIEWS.

New Manual of the Costs, Forms, and Rules in the Common Law Courts of Upper Canada. *By* A. G. McMillan, *of Osgoode Hall, Student-at-Law.* Toronto: Rollo & Adam, 1865.

We have already briefly noticed this work, and have since carefully examined it. We have no hesitation in saying that it supplies—and well supplies—a want long felt in the profession. It deals with a subject of much difficulty, and the labour of the author is by no means to be judged of by the number of pages he has written. Many would have despaired of success on such a subject; but he has persevered, and produced a work alike useful to the profession and creditable to himself. It should be a *vade mecum* to every practising lawyer and zealous law-student. Lazy lawyers and lazy law-students may not see much to admire in it; but a practitioner or student, really in earnest, will not be without it.

It is prefaced by short historical sketches of the Superior Courts of Common Law and the County Courts. Next follow some remarks on the recent Stamp Act (27 and 28 Vic. cap. 5.) Then we have an elaborate tariff of costs in the Superior and County Courts, alphabetically arranged according to the subjects in respect to which costs may be taxed. This we look upon as a most valuable repository of "useful knowledge," and one essential to the completeness of the work. The author, unmindful of labour, has appended to each page references to decided cases on the subjects appearing on the face of each page. Were there nothing more in the book to recommend it to the patronage of the profession, we should consider this repository more than value for the cost of the work.

It may not, perhaps, be out of place here, for fear of a mistake, to draw attention to note (*a*) on page 42, where it is stated that a judgment creditor will not be allowed the costs of a garnishing application, either against the judgment debtor or the garnishee, on the authority of *The Bank of Montreal* v. *Yarrington*, 3 U. C. L. J. 185. The late case of *Evans* v. *Evans*, 1 U. C. L. J. N. S. 19, 51, decided first by *Spragge*, V. C., in chambers, in accordance with the former case, but subsequently reversed on appeal to the full court, is an authority the other way,—his lordship then saying, that since giving his judgment in chambers he had conferred with one of the Common Law Judges, and had been informed that it was now the practice at law to grant the costs of a garnishing application when there was a sufficient fund out of which to pay them. Note (*s*) on page 56, with respect to sheriff's poundage, should also be supplemented by a reference to the late cases of *Winters* v. *The Kingston Permanent Building Society*, 1 U.C. L. J. N. S. 107; *Buchanan* v. *Frank*, Ib. 124; 15 U. C. C. P. 196, which decide that a sheriff is not entitled to poundage unless he *actually levies the money*, no matter whether the money is made by *pressure* of the writ or not. These cases, however, were probably not decided in time to be noted. We publish in another column an important case on the subject of taxation of costs (*Ham et ux.* v. *Lasher*), to which we also refer those interested.

Mr. McMillan also gives us some remarks on preparing and taxing bills of costs, accompanied with references to decided cases, which remarks we heartily recommend to every man who may be interested in a correct and complete bill of costs. It is no disgrace to be able to produce to the taxing-master a complete bill of costs. The disgrace is rather in presenting to him a slovenly one, containing many items which ought to have been omitted, and omitting some that ought to have been inserted. And this, according to our experience, is the rule at Osgoode Hall. The consequence is not only loss to the profession, but increased evil, and vexation to the taxing-officers of the courts. There is a science in the