

Div. Ct.]

NOTES OF CANADIAN CASES.—BOOK REVIEW.

ing C.'s debts, and the proceeds of his stock-in-trade now in the hands of S., the assignee :

*Held*, the plaintiff was only entitled to a dividend with the other creditors on the full amount down to the assignment ; for the trust fund, having been dissipated by the using of it to pay debts, could not be followed after that into the hands of holders of value, such as were the other trade creditors, though the plaintiff was entitled to the full amount of the trust fund, with interest, as against the defendant C.

The law is still as laid down by Lord Ellenborough in *Taylor v. Plumer*, 3 M. & S. 562, that the product of, or substitute for, the original thing still follows the nature of the thing itself as long as it can be ascertained to be such, and the right only ceases when the means of ascertainment fail.

#### DIVISION COURTS.

##### THIRD DIVISION COURT, LEEDS AND GRENVILLE.

###### AWBERRY V. MCLEAN.

###### *Wages—Counter-claim—Damages.*

Action for wages. Defendant filed a notice disputing the claim, and put in a counter-claim for damages for breach of contract, by reason of plaintiff's leaving his employment. See Judicature Act, ss. 77, 80, Rule 127, sec. 3.

MCDONALD, Co. J., held that the defendant had a right to put in the counter-claim.

Judgment in the case was for defendant, with costs.

#### ASSESSMENT CASES.

##### COUNTY OF ONTARIO.

###### RE PHILP V. MUNICIPALITY OF REACH.

*Assessment—Superannuated minister—Exemption—R. S. O. c. 180, sec. 6, ss. 23.*

DARTNELL, J.J.—The dwelling house of a superannuated minister of the Methodist Church is exempt from taxation so long as he continues in actual connection with his church, and does duty as such minister, notwithstanding he may not be in charge of a congregation or parish.

The word "church" does not here mean a parish or congregation, but a "religious body ?

*Re Stewart and Kincardine*, 18 C.L.J. 322 ; and *Re O'Connor and Barrie*, 13 C.L.J. 273, referred to and discussed.

### BOOK REVIEW.

PRINCIPLES OF CONVEYANCING. An Elementary work, for the use of Students. By Henry C. Deane, Lincoln's Inn, Barrister-at-law. Second Edition. London : Stevens & Haynes, Law Publishers, 1883.

The first Edition came out in 1874,—the book rapidly obtained the favour of the profession, and was looked upon as remarkably clear in arrangement, very pleasantly written, giving information on a dry subject in a manner calculated as far as possible to win the attention of students. Williams on Real Property, will remain the book for students for many a long year to come ; but Mr. Deane's work has many advantages, is fuller and useful to others besides students. Part I discusses corporeal hereditaments, their nature and incidents. Part II is devoted to conveyancing, and is of especial value as a book of reference in this country. We can confidently recommend this excellent work to our readers if they have not already possessed a copy of the first edition.

THE CONSOLIDATED MUNICIPAL ACT, 1883, with an Index, by G. Bell, Esq., Barrister.

It is a pity that the statutes are not always provided with such good indices as that here made by Mr. Bell. This edition of the Act, has had a large sale to the profession as well as, of course, amongst the Municipal officers.

LITTELL'S LIVING AGE. The numbers of *The Living Age* for September 15th and 22nd contain France and England in Egypt and France and Syria, *Fortnightly* ; The Locust War in Cyprus, *Nineteenth Century* ; Across the Plains, *Longman's* ; King Mtesa, and The Belka Arabs, *Blackwood* ; Two Turkish Islands To-day, *Macmillan* ; Moruca ; or a Few Days among the Indians, *Month* ; Earth Pulsations, and Winter Life at Fort Rae, *Nature* ; Unclaimed Money, and The Southampton Artesian Well, *Chambers' Journal* ; The Pathetic Element in Literature, The Closing of the Scottish Highlands, And a Summer Day's Journey, *Spectator* ; with "Master Tommy's Experiment" "Town Mouse and Country Mouse" and instalments of "Along the Silver Streak," and poetry.

This is a most useful publication, and in none can such an amount of good and varied reading be obtained at the price.—\$8.00 per annum.

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