SCOTT, J. : I have already held the case of *Kelly* v. *Howey* in this Court (an action for tort), that such a defence is embarrassing, because Order 22, Rule 6, shows that the money paid in must be paid in respect of the cause of action, and not in respect of costs, because under sub-clause A, of Rule 6, plaintiff may accept the amount paid into Court in satisfaction of his claim, and in that event would be entitled to tax his costs. Mr. Bown, for the defendant, contends that there is a distinction between an action for tort and the present case, and here the payment is in respect of a certain portion of the claim, and it is a simple matter of subtraction to ascertain how much is paid on account of the debt, the costs being a fixed sum. I think, however, that in both cases the principle is the same. The order will go to strike out the paragraph objected to, defendant to have leave to amend as he may be advised, up to four days after vacation. Costs of the application to be costs in the cause to plaintiff in any event, on the final taxation.

S. S. Taylor, Q.C., for the plaintiff.

J. C. F. Bown, for the defendants.

BOOK REVIEWS.

Coote's Common Form Practice and Tristram's Contentious Practice of the High Court of Justice in granting Probates and Administrations, 12th ed., by THOMAS HUTCHINSON TRISTRAM, Q.C., D.C.L. ; London, Butterworth & Co., 7 Fleet St. 1896.

It is unnecessary to refer at length to this standard work ; no library can afford to be without it.

Since the publication of the last edition alterations in relation to the granting of probates and administrations have been made by the Colonial Probate Act of 1892, and by the Finance Acts of 1894 and 1896. Additional Rules and Orders issued in 1892 are also given, with much additional matter. Much, of course, in the volume is appropriate only to England, but it is scarcely less useful for this country. It is produced in the very best style, and is a credit to these well known publishers.

The Jewish Law of Divorce, According to Bible and Talmud, with some References to its Development in Post-Talmudic Times, by DAVID WERNER AMRAM, M.A., L.L.B., member of the Philadelphia Bar. Philadelphia ; Edward Stearn & Co., Inc. 1896.

This is somewhat a new departure in the way of law books, but all matters connected with this strange race, with its extraordinary vitality, command attention, especially in view of the fact that the law of civilized countries are largely indebted to, if not founded upon, the Mosaic Code. Sir Henry Mayne, in his book on "Ancient Law," asserts that the study of Biblical records would have corrected the errors of the philosophers of France during the early part of the nineteenth century. "There was (he says) but one body of primitive records which was worth studying—the early history of the Jews ; but resort to this was prevented by the prejudices of the time. Debarred,