

**SINCLAIR V. BARROW.***Practice—Proceeding when plaintiff refuses to enter his judgment.*

If plaintiff refuse to enter his judgment in a case where defendant is entitled to set off his costs against plaintiff's verdict and costs, a Judge in Chambers will limit a time within which plaintiff must enter his judgment, and in default allow defendant to enter it for him.—*Per Richards, J., Dec. 10.*

**MACPHERSON ET AL V. KERR.***Practice—Attachment of debts—C. L. P. Act, 1856. sec. 194.*

An order will be granted *ex parte* to attach debts due by garnishee to judgment creditor, upon affidavit that on an oral examination of the debtor he swore that garnishee was indebted to him.—*Ib., Dec. 10.*

**WILSON V. STRONG.***Practice—Arrest—Amendment of copy of writ—C. L. P. Act, 1856. secs. 37 & 291.*

An omission or variance in a copy of a writ of *Ca. Re.* is amendable under the 37th and 291st sections of the C. L. P. Act, 1856.—*Per Hagarty, J., Dec. 22.*

**C O R R E S P O N D E N C E .**

COUNTY CLERK'S OFFICE,  
Sarnia, Feb. 3, 1857.

To the Editor of the U. C. Law Journal.

SIR,—I have been requested by the Warden of this County to put the following question, and to request an answer through the *Law Journal*—viz.: Have Township Councils the right to divide the Township into Wards by a four-ninth majority of the Council, without any action on the part of the people?

I remain, Sir, your obedient servant,

ALEXANDER SCOTT,  
County Clerk, Lambton.

[Clearly they have not such power. We apprehend from the terms of your query that you have had before you the 12th Vic., cap. 81, sec. 8, whereas that section is repealed and the subject re-enacted by 18 Vic., cap. 109, sec. 6, by reference to which you will see what requisites must be complied with, before any action can be taken by a Township Municipality in dividing the Township into Wards.—ED. L. J.]

To the Editor of the U. C. Law Journal.

SIR,—I am pleased to see that Mr. Mowatt has drawn attention to the value of American authorities, both in England and in Upper Canada; and the Profession, I think, are much indebted to you for the publicity which you have given to his remarks. It is not my intention to follow the learned gentleman through the various arguments, of which he has made use in support of the position he took, much less to question any one of them: suffice it to say that not only in Upper Canada, but in England, there exists the highest authority in favour of his views. Of these, Mr. Mowatt has made several quotations. In addition to which, I ask leave to lay before you the testimony of our much admired Chief Justice Robinson. In the case of *Montreal Bank v. DeLatre*, 5 U. C. R. 368, the Chief Justice is thus reported:—

"The defendant's counsel in the argument referred to American authorities, and it is always advisable and useful on questions of this nature (mercantile agency) to look for information in that quarter, for in applying legal principles to mercantile contracts, the American Courts have generally gone before those in England, in introducing such relaxations as seemed necessary for the convenience and safety of those engaged in commerce; and they have in some instances gone further, without the aid of legislative enactments, in moulding the principles of common law to suit supposed exigencies, than English Courts of Justice have yet ventured to go. Yet as such questions present themselves, they desire to justify the relaxation by as many authorities as they can find in favor of it in English decisions; and we may therefore generally expect to find such authorities cited, so far as any such exist."

"X. Y."

**APPOINTMENTS TO OFFICE, &c.****COUNTY COURT JUDGE.**

GEORGE MALLOCH, of Osgoode Hall, Esquire, Barrister-at-Law, to be Judge of the County and Surrogate Courts for the United Counties of Leeds and Grenville, in the room of Worship H. McLean, Esq., resigned.—[Gazetted Nov. 29, 1856.]

**JUDGE OF DIVISION COURT.**

GEORGE DUGGAN, Esq., the younger, Recorder for the City of Toronto, to be Judge of the Division Court of the said City of Toronto, and the liberties thereof.—[Gazetted Dec. 22, 1856.]

**CLERK OF THE PEACE:**

THOMAS MILLER, Esq., to be Clerk of the Peace for the Co. Waterloo, in the room of Emilius Irving, Esq., resigned.—[Gazetted Nov. 29, 1856.]

**NOTARIES PUBLIC.**

RICHAHD ALLARD, of Ingersoll, Gentleman, and WILLIAM DARLINO POLLARD, of Collingwood, Gentleman, to be Notaries Public in Upper Canada.—[Gazetted Nov. 22, 1856.]

HAMILTON LOW, of Strathroy, in the County of Middlesex, Gentleman, to be a Notary Public in Upper Canada.—[Gazetted Nov. 29, 1856.]

HENRY BALDWIN HOPKINS, of Barrie, Esquire, Barrister-at-Law, to be a Notary Public in Upper Canada.—[Gazetted Dec. 3, 1856.]

JONATHON SISSON, of Toronto, Esq., Attorney-at-Law, and CHARLES HUTCHINSON, of London, Esquire, Barrister-at-Law, to be Notaries Public in Upper Canada.—[Gazetted Dec. 13, 1856.]

ROBERT NEWBERY, of Belleville, Gentleman, SAMUEL GAMBLE, of Nanticoke, County of Baldwin, Gentleman, JOHN ROBERT JONES, of Toronto, Esquire, Barrister and Attorney-at-Law, JOHN EASTWOOD, of Southampton, County of Bruce, Gentleman, and WILLIAM STEPHENSON, of the Township of St. Vincent, Gentleman, to be Notaries Public in U. C.—[Gazetted Dec. 20, 1856.]

JONAS AP JONES, of Toronto, Esquire, Attorney-at-Law, and WILLIAM LAWRENCE LAWRASON, to be Notaries Public in Upper Canada.—[Gazetted January 10, 1857.]

EDWARD GILMAN, of the Town of Simcoe, Esquire, Attorney and Solicitor-at-Law, to be a Notary Public in Upper Canada.—[Gazetted Jan. 17, 1857.]

HENRY MUMA, of Drumbo in the County of Oxford, Gentleman, to be a Notary Public in Upper Canada.—[Gazetted January 24, 1857.]

ALEXANDER FORSYTH SCOTT, of Brantford, Esquire, Attorney-at-Law, and MOORE A. HIGGINS, of Toronto, Esquire, Attorney-at-Law and Solicitor in Chancery, to be Notaries Public in Upper Canada.—[Gazetted January 31, 1857.]

**ASSOCIATE CORONERS.**

THOMAS BRADY, of Alfred, Esquire, to be an Associate Coroner for the United Counties of Prescott & Russell.—[Gazetted Nov. 29, 1856.]

JOHN HENRY GORDON, of the Township of Arthur, Esquire, Surgeon, to be an Associate Coroner for the County of Wellington.—[Gazetted December 13, 1856.]

JOSEPH CARRIER, of Galv, Esquire, M. D., to be an Associate Coroner for the County of Waterloo, JAMES BEAMAN, Esquire, to be an Associate Coroner for the County of Carleton, EDWIN THEODORE BROWN, Esq., M. D., to be an Associate Coroner for the County of Brant, DAVID BRIDGMAN, of Richmond Hill, Esquire, to be an Associate Coroner for the United Counties of York & Peel, DAVID EARL BURDELL, of Belleville, M. D., GEORGE P. BULL, of Stirling, and PATRICK GILBERT FERGUS, of Trenton, M. D., Esquires, to be Associate Coroners for the County of Hastings.—[Gazetted Dec. 20, 1856.]

WILLIAM BURGESS, of Port Stanley, Esquire, Surgeon, to be an Associate Coroner for the County of Elgin.—[Gazetted January 11, 1857.]

HENRY THEODORE LEGLER, Esq., M. D., and DAVID S. BOWLBY, Esquire, M. D., to be Associate Coroners for the County of Waterloo.—[Gazetted January 31, 1857.]