

forfeited" to pay for the damage done and a "penalty."—Eds. L. C. G.]

Division Courts—Stamp on judgment summons.

TO THE EDITORS OF THE LOCAL COURTS GAZETTE.

GENTLEMEN,—Would you answer the following questions in the next issue of your *Gazette* :

Does the law require that judgment summonses in the Division Courts be stamped? and do the judges of the Division Court in Toronto require them to be stamped.

Yours, &c. STUDENT-AT-LAW.

[We think a stamp is necessary, and it is required in Toronto.—Eds. L. C. G.]

Transcript of judgment from Division Court to County Court.

TO THE EDITORS OF THE LAW JOURNAL.

GENTLEMEN,—I should feel obliged by your opinion on the following points through the columns of your valuable journal. A. sues B. in the 7th Division Court, and obtains a judgment against him for \$90. After the expiry of 30 days, usually given for the defendant to pay the amount, the plaintiff orders the clerk to issue execution. The Clerk of the 7th Division Court issues the same, and directs it to the Bailiff of the 11th Division Court, who returns the same *nulla bona* to the Clerk of the 7th Division Court. The plaintiff then obtains a transcript, and makes it a judgment of the County Court, and places a writ of *fi. fa.* against the lands of the defendant in the hands of the sheriff. Had the Clerk of the 7th Division Court power to do so, or was the return made by the Bailiff of the 11th Division Court sufficient to make valid the said judgment of the County Court.

Respectfully, M.

Goderich, Nov. 9, 1866.

[A transcript, in our opinion, ought not to have issued under the circumstances mentioned.

The clerk of a Division Court has no power to issue a writ of execution to the bailiff of another court. The 135th section requires that the clerk, "at the request of the party prosecuting the order" (for payment), "shall issue under the seal of the court a *fieri facias* to one of the bailiffs of the court, who by virtue

thereof shall levy," &c.; and the whole tenor of the statute relating to this point is to the like effect.

The 142 section makes it a condition that the execution shall be returned *nulla bona*, and the transcript to be given must set forth the bailiff's return; that is, the return of the bailiff of the court from which the transcript issues.

The case before us suggests an amendment of the law, viz.: enabling a *fi. fa.* to be directed to any bailiff in the county.—Eds. L. J.]

REVIEW.

THE MUNICIPAL MANUAL FOR UPPER CANADA; containing the new Municipal and Assessment Acts, with Notes of all decided cases, and a full Index. By Robert A. Harrison, Esq., D.C.L., Barrister-at-law. Second Edition, 1866. W. C. Chewett & Co.: Toronto.

Parts I. & II. of this valuable work have been issued; and the other parts, we are informed by the publishers, will appear very shortly. That part of the Act which came into force on the first of November last is however embraced in the numbers of the Manual now before us, and this fact alone will render it of great service to that large portion of the community who take a part and an interest in our municipal elections.

It may be premature just now to speak of the book as a whole, with only two instalment before us; but taking the former edition as a type of the present one, we may safely assume that the new Manual will be found as the old one has been, a reliable guide to the proper understanding of the law, and a safe counsellor to those acting under its provisions.

Mr. Harrison's Municipal Manual has indeed for the past eight years been, as it were, a household word amongst all classes, lawyers or laymen, who have been brought into contact with the working of our Municipal system; and, now that the law has been revised and amended by the legislature, the absence of such a work, embracing the changes which have been made, would be much felt by those who had been in the constant habit of referring to it whenever a doubt arose as to the meaning of any provision.

A great portion of the old law which had been found to work satisfactorily, has been re-enacted—a circumstance which gives an additional value to Mr. Harrison's present labors, inasmuch as many doubtful points have been settled by decisions of the courts within the past eight years, and these decisions have been all carefully collected and annotated in the present edition of the work, thus placing under the eye of both lawyers and laymen,