

DIARY FOR APRIL.

1. Mon... County Court and Surrogate Court Term commences. Local School Superintendent's term of office begins.
6. Sat.... County Court and Surrogate Court Term ends. Local Treasurer to return arrears for taxes due to County Treasurer.
7. SUN... 5th Sunday in Lent.
14. SUN... 6th Sunday in Lent.
19. Friday Good Friday.
21. SUN... Easter Day.
23. Tues... St. George.
24. Wed... Appeals from Chancery Chambers.
25. Thurs. St. Mark.
28. SUN... Low Sunday.
30. Tues... Last day for Non-Residents to give list of their lands, or appeal from assessment. Last day for L. C. to return oc. lands to Co. Treasurer.

The Local Courts'

AND

MUNICIPAL GAZETTE.

APRIL, 1867.

ACT FOR PROTECTION OF SHEEP.

A Correspondent puts the following case, involving the construction of some of the sections of the above act. Thus:—A. has a dog, which killed the sheep of B. A lives in a Municipality adjoining the Municipality in which B. lives. A. has no goods upon which the damages can be levied. Can the Justices certify the facts to the Clerk of the Municipality in which A. lives, so as to make that Municipality pay the damages, or should the Municipality in which B. lives, which is the Municipality wherein the sheep were killed, be made to pay the damages?"

The questions proposed are interesting, and not without difficulty.

The provisions of the Act 29 & 30 Vic., ch. 55, as respects remuneration to the owners of sheep from the Municipality are somewhat analogous to the old remedy in England against the Hundred.

The 6th sec. constitutes a fund for the purpose of paying damage from dogs killing sheep in such Municipality.

The 7th sec. makes the owner of dogs liable for damages done by them.

The 8th sec. enacts a mode of procedure to render this liability available to the owner of the sheep.

The 9th sec. makes, *inter alia*, provision for the sheep-owner, failing to recover from the owner of dogs doing the injury, viz.:—the J. P. is to certify the facts, and upon this certificate

being laid before the Clerk of the Municipality an order is issued to the Treasurer to pay the amount of the damages "from and out of the fund constituted by the 6th section,"—and a remedy ever is given to the Municipality.

Now the fund created by the 6th section is, in respect to sheep, &c., killed or injured in such Municipality; and I do not see what authority there would be in the Municipality in which the owner of the dog resided, to make payment. It would seem, therefore, that the certificate should be laid before, and payment made by the Municipality in which the sheep were killed. "The Municipal Council" throughout the Act seems to refer only to the one Council, that in which the animals are killed.

BAILIFF'S SALES UNDER DIVISION COURT EXECUTIONS.

(Communicated.)

Questions are constantly arising in the country as to the power of bailiffs of Division Courts to sell certain kinds of property under executions in their hands, and as to the duties of bailiffs in holding over or renewing executions. For instance, under the first head it is common to sell growing crops, such as wheat in the ground, perhaps six or three months before harvest, and growing grass before it is harvested. Many bailiffs sell leasehold properties of long and short durations. It is said also, that they occasionally sell mortgages and chattels held by chattel mortgages; that is, the interest of the mortgagors. And under the second head, bailiffs are in the habit of selling, in some instances, goods seized in counties other than their own; of selling goods after their executions have expired, as though under writs of *venditioni exponas*; and of renewing executions from month to month without the plaintiff's order.

It may be interesting to enquire how far the law authorizes these officers in the premises.

The policy of the Division Courts Act in this Province, and of the County Courts Act in England, is to avoid the trial of any case where title to lands or incorporeal hereditaments comes in question. The cases in England have gone great lengths in this respect; and the same policy renders it impolitic and illegal for a Division Court bailiff to sell any interest or title in lands, easements in lands, or in corporeal hereditaments.

The case of *Duggan v. Kitson*, reported in 20 U. C. Q. B. 318, 7 U. C. L. J. 178, decided