

two months as will not conflict with his engagements in other courts of superior jurisdiction,—such days as will best square with local considerations and the public interests. In general the practice is so to arrange the sittings as to avoid as much as possible having them at the busy times of the year—seed-time and harvest—in country places.

A court may in certain cases be held on a day different from that appointed, and if the judge or acting judge does not arrive at the appointed hour parties should wait until eight o'clock in the afternoon of the same day, when an adjournment will be made by the clerk.

The 20th section of the Act provides as follows, viz. :—In case the judge or the acting judge, from illness or any casualty, does not arrive in time, or is not able to open the court on the day appointed for that purpose, the clerk or deputy clerk of the court shall, after eight o'clock in the afternoon, by proclamation adjourn the court to an earlier hour on the following day, and so from day to day adjourning over any Sunday or legal holiday until the judge or acting judge arrives to open the court, or until he receives other directions from the judge or acting judge.

The places where the Division Courts are to be held are appointed by the judge, and may by him be altered from time to time, but not, it is apprehended, while summonses are current for the attendance of parties at a particular place, unless indeed it becomes impossible to hold a court there. For in such case even where the place of holding the court is appointed by Act of Parliament the judge would have the power by implication of law to remove it, (3 Bulstr. 268,) and under the Division Court Act having himself the power of appointing, the judge it is apprehended would clearly have authority to alter or remove ;—but in either case due notice should be given to the parties who are bound to attend the court, and the place should be within the limits of the particular division.

In acting under this clause the convenience of those having business in the court should be a chief consideration in determining the position and the centre of population, rather than the spot equally distant from the outside limits of a division, seems the most eligible place for holding the sittings.

If there be a town or village in the division it will in general be found the best place ; if a city or county town lies therein the statute is imperative, and the court must be held there.

#### LAW OF EXEMPTION FROM SEIZURE.

The following communications, received from two attentive and well-informed correspondents—both clerks—speak for themselves.

We agree with one of our correspondents that, as respects the Division courts, the Legislature might very well have left the duty of certifying to the clerk who knows all about a suit from first to last. But we suppose that as the enactment is intended to apply to executions from *all* the courts, and as the clerks of the superior courts know next to nothing of the nature of the suits, the intervention of the judge was found desirable.

The judge merely acts upon the evidence of the fact, necessary to bring the case within the statute. This evidence may be his own actual judicial knowledge, from having tried the case, for instance—the original papers produced for his inspection—the certificate of the clerk—or the affidavit of the plaintiff.

In executions upon transcript of judgment, the judge of the Home county may certify upon his knowledge of facts, on the faith of which the judge of the foreign would certify upon the execution. But in these cases, the better mode seems to be an affidavit from the plaintiff or his agent. We continue to think that the certificate should be endorsed upon the execution, before it is placed in the bailiff's hands for execution.

#### *To the Editors of the Law Journal.*

GENTLEMEN,—In your October number you have noticed (page 262) "The Law of Exemption," and as you have asked to be informed what is the practice in other counties, under the act of last session, cap. 27, I write to explain the practice in this county. So soon as the act was officially known by the judge, he directed the clerks to endorse a certificate on the back of any execution, which was intended to be used under the provisions of the act, certifying that the debt was contracted before the 19th May, 1860 ; and upon the production of such an execution before him he would endorse the necessary certificate. In pursuance of this direction, I endorse on every execution I issue, on judgment for debt contracted before that date as follows :

"I certify, that the claim in this cause was upon a promissory note made by defendant, dated September 8th, 1858."

A. B. C., Clerk.

If anything shall arise by which the judge's certificate will be required, the bailiff can transmit the execution to the judge accompanied with his own or the application of the plaintiff, upon which the judge will act.

Yours truly,

A CLERK.

#### *To the Editors of the Law Journal.*

GENTLEMEN,—In your last number I observe your very appropriate remarks respecting the Exemption Law as amended. You are perfectly correct in saying that it was a great injustice in making the act applicable to debts previously contracted. However, the Legislature of last session very wisely did away with the retrospective feature, which has enabled many plaintiffs in my court to collect judgments from debtors who were much more able to pay them than the unfortunate creditor was to lose.

I think it a useless feature in the amendment requiring the judge's certificate to the execution, as the clerk's certificate would have answered every purpose, and would have saved