service. See Con. Stat. U. C. cap. 55, sec. 60, sub-secs. 2, 7 and 8.

2nd. Supposing a Division Court clerk should issue a summons to a defendant in the usual form, and also at the same time issue a warrant of attachment against the goods of same defendant. Both papers are given to the bailiff, he proceeds to execute them by making a seizure of the goods under the warrant of attachment, and at the same time serves the summons either personally or by leaving it at the defendant's last place of abode in the country (as the case may be), is the bailiff entitled to mileage on both the summons and warrant, or is he entitled to one mileage only, or in other words, the mileage actually travelled with both papers.

3rd. The bailiff makes a return of the warrant of attachment in due form, with appraisement of goods seized, and within thirty days one or more warrants of attachment are issued in favor of other plaintiffs to enable them to obtain a share of the goods so seized: in such a case would it be necessary for the bailiff to go through the form of seizing again the same goods and making a return with appraisement under each of the warrants, the same as in the first instance (thereby making more costs), or would the first seizure and return answer for all purposes required.

A SUBSCRIBER.

May 17th, 1866.

[1. It is made the duty of the clerk to cause the notice to be served, and he ought to be paid for his services by the Council. But there is an evident omission in the act, in not requiring that the party appealing should pay the expense of serving the notice. The Court of Revision does not appear to have any power to award costs to either party.

2. It is the common practice to charge mileage on both, and such is also the practice in sheriffs' offices generally. The tariff does not say anything which throws any light on the subject. Though the practice is in favour of the charge, the principle upon which mileage is allowed would seem to be against it.

3. The bailiff might give notice of the second or subsequent writ to the Clerk of the Division Court, if the goods are in his possession, and it would, perhaps, be advisable to perform some manual act of seizure under such writ; but a second appraisement does not seem necessary. In the bailiff's return to the writ, the act of seizure and the previous appraisement should be set forth.—EDS. L. C. G.]

By-law—Imposing toll on non-residents only.

TO THE EDITORS OF THE LAW JOURNAL.

GENTLEMEN,—Can a township municipality legally pass a by-law imposing toll on non-residents using a road constructed in and at the expense of said township for the purpose of assisting in the repairing of said road, and exempting the residents of the township in which the road is situated, it having been originally built at the expense of said township. As this is a matter of public interest, and about which different views seem to prevail, I trust you will kindly favor with a reply in the next number of your very valuable Journal, and much oblige, gentlemen, your most obedient servant and subscriber,

THOMAS MATHESON.

Mitchell, June 2, 1866.

[We do not think the by-law, as stated by our correspondent, valid.—EDS. L. J.]

OBITUARY.

At Goderich, on the 19th instant, ROBERT COOPER, ESQ., Judge of the County Court for the United Counties of Huron and Bruce, aged 44.

APPOINTMENTS TO OFFICE.

NOTARY PUBLIC.

JAMES WATT, of Oil Springs, Esquire, Attorney-at-Law, to be a Notary Public in Upper Canada. (Gazetted May 19, 1866.)

CORONERS.

JOSEPH A. FIFE, Esquire, M.D., to be an Associate Coroner for the County of Peterborough. (Gazetted May 5, 1866.)

GEORGE BRANT, of the village of Smithville, Esquire, to be an Associate Coroner for the County of Lincoln. (Gazetted May 5, 1866.)

TO CORRESPONDENTS.

"A SUBSCRIBER"—"THOMAS MATHESON"—Under "Correspondence."

GRAMMAR may, no doubt, sometimes render assistance to law by helping to the construction, and thereby to the meaning of a sentence; but grammar, with reference to a living and therefore a variable language, is perhaps more difficult to deal with than law, and the rules of legal construction are far more certain than the rules of grammatical construction. To resort to grammar where law fails, is frequently to decide *ignotum per ignotius*: (*Pollock, C. B.*, 31 L. J., N. S., 85, Ex.)