

by applying to the Judge, who will soon cause the Clerk to do his duty.

There is another thing in reference to the above letter, which shews that the Clerk is bound to furnish a bill—the Statute, (sec. 36, O'Brien's D. C. Act) says, that the Clerk shall tax costs, *subject to revision by the Judge*—which clearly shews that a bill must be prepared, otherwise it would be almost impossible that any revision by the Judge should take place.—Eds. L. C. G.]

#### *Municipal Law—Qualification of Township Councillor.*

TO THE EDITORS OF THE LOCAL COURTS GAZETTE

GENTLEMEN,—Please be so kind as to give your opinion in the July number of your valuable paper on the following question:—

Mr. A. is assessed on the last revised assessment roll for the following amounts, real estate three hundred dollars, rental two hundred dollars, personal property one hundred dollars, making a total of \$600. Can he qualify as Township Councillor for 1871?

A SUBSCRIBER.

[Correspondents should always, when asking questions, give full references to statutes, &c., so as to save time and trouble, and make their meaning clear. We take it for granted, moreover, that questions are asked *bona fide*, not for some special case or to meet some particular view, but to elicit information on subjects of general interest, and that they are not asked without some thought beforehand on the subject. It would be well, therefore, for correspondents to argue subjects out to the best of their ability in their letters to us. So far as we understand the case now put to us, probably Mr. A. would be qualified, but we do not express any decided opinion on the point.—Eds. L. C. G.]

#### *Division Courts—Statute Labour.*

TO THE EDITORS OF THE LOCAL COURTS GAZETTE.

GENTLEMEN,—Suppose a party residing and carrying on business in the City of Hamilton, such as a foundry or the manufacture of sewing machines, should send out an agent with a load of goods to sell. The agent comes here to Beverly and makes a sale of some of the goods, and takes a promissory note for the same payable in three months. The sale and

delivery are made here, the note is made here, and the maker of the note resides here, but the note is dated at Hamilton. The note is not paid when it is due, and the holder finds it necessary to sue it. He enters the note in the Division Court at Hamilton; the defendant is served, and he gives notice of defence. At the trial the defendant pleads that the note is sued in the wrong Division, and proves that the contract was made and the note given in Beverly. Would the defendant in such case be entitled to a nonsuit?

Does the Assessment Act of 1866, as amended by 33 Vic. cap. 27, exempt clergymen from the performance of statute labour. They are exempt from paying taxes where their property does not exceed the value of \$2,000, but are they exempted from the performance of two days statute labor, required by the 80th and 82nd sections of the Assessment Act, commonly known as Poll Tax.

An answer to the above questions in the next number of the *Gazette* will oblige,

A SUBSCRIBER.

Beverly, June, 1870.

[We think in such a case as that put by "Subscriber" the defendant would be entitled to a non-suit. The fact of the note being dated at Hamilton is only *prima facie* evidence that the contract was made there, but as soon as it was shewn that the contract was made or the cause of action arose in another division, the plaintiff would be out of court. The notes in "O'Brien's Division Courts Act," throw considerable light on the subject, and on reference to them "Subscriber" will see from decisions there cited that even in less strong cases than the one put by him the plaintiff would be compelled to sue at Beverly.

We know of nothing to exempt clergymen from the performance of statute labour.—Eds. L. C. G.]

MOORN V. THE HOME INSURANCE COMPANY.—*Held*, 1. That deposit by the insured of bills of sale, and documents requisite for showing ownership of a vessel, with the Collector of Customs for registration, is sufficient to give an insurable interest, though actual registration be not made till after the destruction of the vessel by fire. 2. That if this be not so the insured may fall back upon any anterior title registered, from which he can deduce insurable interest. 3. One of two trustees, part owners, can insure a vessel.—*L. C. Jurist.*