1st day of August, 1848, caused him to be imprisoned, and also for that they, on the said 1st August, 1848, caused his goods to be seized," &c.

This was objected to on the argument. Lord Campbell says, "It is clear that the justices must, in making this notice, have known where the causes of action all arose. It cannot be necessary to have a specific *venue* laid to every traversable fact in a notice of action."

Patteson, J.: "The notice is good, as there is a place mentioned in it fairly applicable to every fact."

Wightman, J.: "In *Martin* v. *Upcher*, no place whatever was mentioned; the present case is distinguishable, for here a place was mentioned, which is reasonably applicable to all the trespasses."

If we uphold the notice in the case before us, we shall carry the relaxation a step further. This notice says that defendant assaulted plaintiff, "and imprisoned him, and kept him in prison for a long time, &c. for four days," stating no place: it then proceeds, "and caused him to be illegally arrested, and gave him into the custody of a constable, and illegally committed him and sent him in such custody to the gaol at the town of Lindsay, and caused him to be there confined for a long time."

An arrest and imprisonment for four days is stated without *venue* or statement of time, before the statement of arresting and giving him in custody to a constable and the commitment to the Lindsay gaol.

Assuming that the doubt expressed by Rolfe and Parke, BB., to be good law, can we say that this whole statement falls within the description of the matter in that case, that "it is the description of one continuous act, concluding with the imprisonment at Louth?" There the notice was that the defendant caused an assault to be made on plaintiff, and then caused him to be beaten, laid hold of, &c., and forced and compelled him to go in, through and along divers public streets and roads to a certain prison, &c. at Louth.

Again, adopting the law as laid down in *Learey* v. *Patrick*, is there a place stated fairly applicable to every fact? There it was held sufficient to state the place of the trespass to the person on a named day, and that also on the same day the defendant caused his goods to be seized. The place or *venue* first stated is held to apply to the other trespass on the same named day.

No time whatever is stated in the notice before us. In all the cases cited we find a time mentioned at which this trespass was said to have been committed, and we think there the allegation of time materially helped the rest of the notice, so as to make it sufficiently clear and explicit. *Martin* v. *Upcher* is very clear on this point. Lord Denman says, "I do not go so far as to say that a party will always be strictly bound to prove the time and place which he names in his notice; but I think the words of the statute require that a time and place for the occurrence be named;" and in *Jacklin* v. *Fytche*, the case most in favour of plaintiff, Alderson, B., says, "The plaintiff is not bound to tell the defendants more than that they unlawfully imprisoned him, and when and where they did so."

We think the notice was insufficient, and that the rule must be absolute to enter nonsuit.

Rule absolute to enter nonsuit.

In re Beard.

Insolvency—Attachment to Sheriff in Quebec.

Where a trader in Ontario becomes insolvent, and an attachment in insolvency is issued to the sheriff of the county in which he resides, the County Court judge has jurisdiction to issue another attachment to the sheriff of any county in Ontario, or of any district in Quebec, in which the insolvent has property.

[15 U. C. Chan. R. 441.]

This was an appeal from an order of the judge of the county of York, refusing to issue an attachment to the sheriff of the district of Montreal, on the ground that he had not jurisdiction to do so. The insolvents were residents of the county of York, and an attachment to the sheriff of that county had been issued; but there being property of the insolvents in the district of Montreal, the creditors desired a writ to that district also.

Mr. Roaf, Q. C., for the creditors, referred to the Insolvent Act of 1864, sec. 3, sub-sec. 10, sec. 7, subsecs. 2 & 6; and to the 6 & 15 sections of the Act of 1865; and contended that, as the jurisdiction of the County Court judge to issue an attachment was not confined to his own county, neither was it restricted to the Province of Ontario.

No one appeared against the appeal.

Mowat, V.C., allowed the appeal, and granted an order for the attachment to Montreal.

COMMON LAW CHAMBERS.

(*Reported by* Henry O'Brien, Esq., *Barrister-at-Law.*)

Holmes v. Reeve.

Certiorari to remove case from Division Court.

Held, 1. The mere fact that a judge of a Division Court has expressed an erroneous opinion in a case before him is no ground for its removal by certiorari.

2. Where a defendant knows all the facts of a case before the day of trial, but, nevertheless, argues the case and obtains an opinion from the judge, the case should not be removed, and the fact that the judge is desirous that the case should be disposed of in the Superior Court can make no difference.

[Chambers, March 15, 1869.]

This was an action brought on a promissory note for sixty-eight dollars, made by the defendant, and was placed in suit in the third Division Court of the County of Huron, and the summons was served for the Court to be holden on 25th January, 1869.

The defendant obtained a summons for a writ of *certiorari* to remove the case from the said Division Court into the Court of Common Pleas, on the ground that difficult questions of law were likely to arise.

One of the affidavits upon which the summons for the *certiorari* was granted was made by Mr. Sinclair, attorney for the defendant, and was as follows: "That the said judge reserved his judgment on said evidence, and the points raised from the twenty-fifth day of January last until the sixth instant, and from then until the thirteenth day of February, instant, when I attended before him, and he expressed a desire to have a short time longer for consideration, and he sug-