

few days afterwards, the plaintiff instructed the Sheriff to take possession under the bill of sale, which he did on the 2nd July, and was in possession when an execution issued at the suit of the defendant. That execution was tested the 3rd July, but delivered to the Sheriff on the 5th. Seizure was made under it on the 6th. An interpleader order was dated the 16th. at the trial it was objected that the bill of sale was not registered. A verdict was taken for the plaintiff, with leave reserved to the defendant to enter a verdict for him. It was held that the assignee, under the bill of sale, had twenty-one days allowed to register his title, and the rule was discharged (3 L. T. Reports, N. S. 774). During the argument Whightman, J., said there was no non-compliance with the Act of Parliament on the 6th July. Cockburn, C. J., said to the defendant's counsel, "You want the apparent possession to be in the maker *after the twenty-one days*, and you also want the *lapse of the twenty-one days*. You must combine the two, and we are to see whether the plaintiff had not a good title on the 6th July." In delivering the judgment of the Court Cockburn, C. J., said—"I think this is very clear, the assignee, under the bills of sale, *has twenty-one days allowed him by the Act of Parliament to register his title*, and when he removes the goods he need not register. *Here he had the remainder of the twenty-one days unexpired, either to register or remove.*"

I therefore order that the verdict shall stand, and that the defendant's rule be discharged with costs, and that judgment be entered for the plaintiff, upon the points reserved.

Rule accordingly.

## GENERAL CORRESPONDENCE.

### Assessment Law—Towns and Villages—Statute Labour.

TO THE EDITORS OF THE LAW JOURNAL.

Gentlemen:—You would confer a favour by replying to the following queries, which relate to matters of general interest.

1. In incorporated towns and villages, are any inhabitants liable to a tax for statute labour, except those whose other taxes do not amount to two dollars?

2. Are the lands of non-residents, in incorporated towns and villages, liable to a tax for statute labour?

3. How and by whom are the names of "the other male inhabitants," (Con. Stat. U. C., cap. 55, sec. 79) who are not on the assessment roll, but who are liable to a tax of two dollars for statute labour, to be ascertained and inserted on the collector's roll, as required by sec. 86 of the same chapter?

M. N.

[1. The right of the council of an incorporated town or village to impose statute labour, except on those whose taxes did not amount to two dollars, was under the assessment act of 1853, very doubtful. The doubt, however, was in 1858 removed by the statute 22 Vic., chap. 99, sec. 409. By the last mentioned enactment the powers of township, town, and village councils in respect to the assessment and imposition of statute labour were declared to be the same. Upon reading sections 82, 83, and 84, of the present assessment act, it will be found that no change in the law in this particular is contemplated.

2. The answer to No. 1, is also an answer to this inquiry.

3. As the clerk is required by sec. 89 of the act to make out the collector's roll on which he is "to set down the name of every person assessed, &c.," and we can find no provision allowing him to set down on the roll the names of persons not assessed, such as those contemplated by the first part of sec.

79, it is difficult for us to say how the names of such last mentioned persons can, under sec. 86, legally appear "upon the collector's roll." Perhaps, however, some of our readers who are practically acquainted with this branch of the law will be good enough to throw some light on the point for the information of our correspondent.—Eds. L. J.]

### Deadly weapons—Power of Justices of the Peace.

TO THE EDITORS OF THE LAW JOURNAL.

Chatham, March 7th, 1861.

GENTLEMEN,—A question of considerable importance to rural magistrates has recently come under the consideration of Justices here, viz.—Has not a magistrate power to summarily try and punish a person guilty of carrying weapons contrary to 22 Vic., cap. 91, s. 9 (Canada)? Or is that power vested in police magistrates of cities alone? If the magistrate has not authority to summarily convict, how should he dispose of the case, as frequently the expense and inconvenience of sending one to be tried by the nearest police magistrate of a city, or recorder, (pursuant to 22 Vic. cap. 105, Canada) is very great. In such instances would it be the duty of the magistrate to send the case to the quarter sessions, assuming the accused would desire to be summarily tried? By answering the above queries through your valuable journal, you will confer a favor I believe on Canadian Magistrates generally.

Yours truly,

A. J. P.

[We are of opinion as follows:—

1. That no Justice of the Peace out of sessions other than a Recorder or Police Magistrate, has power, with or without consent, summarily to try a person accused of carrying deadly weapons contrary to the provisions of Consolidated statute of Canada, cap. 91, s. 9.

2.—That if any person is charged before any Justice of the Peace out of Sessions with any such offence, and in the opinion of such Justice the same may be proper to be disposed of by a Recorder or Police Magistrate, the Justice may, if he see fit, remand the accused for further examination before the Recorder of the nearest City or before the nearest Police Magistrate. (Consolidated statute Canada, cap. 105, s. 18.)

3. That instead of adopting the last mentioned course, the Justice may, if he see fit, remand the accused to the next Court of Quarter Sessions; but as this is a point yet undetermined by judicial authority, our opinion is not given free from doubt. (See Dickenson's Quarter Sessions 4 Ed. p. 129.)—Eds. L. J.]

### Judgment—Registry—*fi. fa.*

TO THE EDITORS OF THE LAW JOURNAL.

Feb. 20th, 1858.—A. registers a certificate of judgment against the lands of B.

Feb. 27th, 1858.—B. sells by deed of bargain and sale to C. In about two and a-half years after registry of judgment, A. issues *fi. fa.* lands against the lands of B.

The certificate of judgment runs out before *fi. fa.*