

*Division Court Act—Cause of action—Meaning thereof.*

TO THE EDITORS OF THE LOCAL COURTS' GAZETTE.

GENTLEMEN,—You would confer a favor by answering the following question in your next issue.

A., living in Lindsay, gives a note in the following form:

Lindsay, June 1st, 1864.

Six months after date, for value received, I promise to pay B. or bearer the sum of sixty dollars. (Signed) A.

Before the note matures, B., its holder, transfers it by delivery to C., living in Peterborough, who keeps the note until it becomes due. Upon default made in payment of the note by A., cannot the suit be entered in Peterborough?—in other words, does not the *cause of action* arise there?

Yours, &c., INQUIRER.

Millbrook, June 12, 1865.

[A suit may be entered and tried in the court holden for the division in which the cause of action arose, or in which the defendant or any one of the defendants resides or carries on business at the time the action is brought (Con. Stat. U. C. cap. 19, sec. 71). The words "cause of action," here used, mean the whole cause of action, and that embraces the contract as well as the breach. In the case put by our correspondent, we think it clear, on the authority of decided cases, that the action is not maintainable in Peterboro', unless the defendants or some of them reside in that county (*In re Watt and VanEvery et al.* 23 U. C. Q. B. 196; *In re Kemp & Owen*, 14 U. C. C. P. 432.)—Eds. L. C. G.]

*Inspector of weights and measures—Duty in regard to yard-sticks—Fees.*

TO THE EDITORS OF THE LOCAL COURTS' GAZETTE.

GENTLEMEN,—An inspector of weights and measures has a yard-stick presented to him to be stamped. The stick is subdivided into half, quarter, eighth and sixteenth parts, also into inches and lines. The inspector examines the measure, and finds it correct. Is he entitled to stamp each subdivision of the yard, and charge for it, or is he only entitled to charge ten cents for stamping the stick, as the act requires, at the top and bottom?

Your opinion, appearing in some future issue of your valuable "Gazette," will oblige.

Yours truly, MEASURE.

[What the inspector is to examine and mark is the measure. That he is to stamp and brand as near the two ends, top and bottom, as may be (Con. Stat. U. C. cap. 58, sec. 10). The yard-stick is the "measure," and not the subdivisions thereof. The inspector, therefore, is not, in our opinion, entitled to charge for each subdivision as if a separate measure.—Eds. L. C. G.]

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"JUDex" — "A BAILIFF" — "INQUIRER" — "MEASURE"—  
Under Correspondence.