list of jurors; and, under the consolidated Assessment Act, the number of concession, lot, or other authorized designation of the local division is shown on the roll, in connection with the name of the party assessed. Moreover, in reference to the execution of process from the courts, the lot or *concession*, &c., where a party resides being known, mere inspection of the order appointing court limits should show the court that has cognizance where residence enters into the question of jurisdiction.

Under these considerations it seems that justices would act without authority in separating a county by arbitrary lines, or even by taking physically distinguished boundaries, as a river or creek, unless agreeing with recognized territorial divisions.

Every division, when appointed, is to be numbered—1st, 2nd, 3rd, and so on. There is no clue given in the act as to which should be "*the first*" or *number one* division, but in practice the division including the county town is generally named the first division, and the others follow either in the order of importance or extent, or arbitrarily, as the justices may determine, the numbers being consecutive from number one.

Under the general provisions of law, counties united for judicial and other purposes may be separated, and after the dissolution of the union both counties occupy an independent position, each having its own judicial and municipal establishment.

To meet cases of this kind, and to avoid confusion on the separation of counties, the following provision has been made by the 10th section of the act, viz.:

When a junior county * separates from a senior county or union of counties, the Division Courts of the united counties, which were before the separation wholly within the territorial limits of the junior county, shall continue Division Courts of the junior county, and all proceedings and judgments shall be had therein, and shall continue proceedings and judgments of the said Division Courts respectively; and all such Division Courts shall be known as Division Courts of such junior county by the same numbers respectively as they were before, until the justices of the peace of the junior county, in general quarter sessions assembled, appoint the number, limits and extent of the divisions for Division Courts within the limits of such junior county, as provided in the 8th section of this act.

(*To be continued.*)

* In every union of counties, the county in which the court house and gaol are situated is the "senior county," and the other county or counties the "junior county" or "counties" thereof.—*Mun. Act*, sec. 30.

## CORRESPONDENCE.

St. Catharines, May 14, 1861.

*To the Editors of the Law Journal.*

Gentlemen,—Might I trespass on your space by asking you to answer through the *Law Journal* the following?

Is it necessary, in suing on an attorney's bill in the Division Court, to attach to the summons a copy of the bill in detail, in accordance with sec. 74. Division Court Act, or would it be sufficient to state the clause as follows?

To amount of attorney's bill, rendered in detail, on —— day of ——, A. D. ——, in accordance with the statute in such case made and provided ..... $00 00

A bill has to be delivered in detail one month before action brought, and it seems to be unreasonable and troublesome to state the account in full with the summons, when it is not necessary for plaintiff to prove *contents of bill, but only* to prove compliance with the act, and amount of bill rendered.

By answering the above, you will much oblige

Yours truly, D. C.

[It is not necessary to attach to the summons a copy of the bill in detail, in any case where it has been already served on the defendant. The only difference between an attorney's bill and any ordinary account, in this respect, is, that by a special provision of law the former has to be rendered at least a month before being placed in suit, and this irrespective of the court in which the action for its recovery must be brought. We believe our correspondent's form of statement in the case put to be the proper one.—Eds. L. J.]

## U. C. REPORTS.

### QUEEN'S BENCH.

(*Reported by* C. Robinson, Esq., *Reporter to the Court.*)

In the matter of Frederick Stewart MacGachen, applying to be admitted as an Attorney and Solicitor

*Articled clerk—Service—Expiration of Articles less than fourteen days before term.*

The time of a clerk articled after the first of July, 1858 must expire fourteen days before the term in which he seeks to be admitted for the affidavit of due service cannot be accepted at a later period though before his examination.

Where M. therefore entered into articles for a year on the 25th of January, 1860, and Hilary term began on the 4th of February, 1861.

*Held*, that he could not be admitted in that term. Hilary Term, 1861.

Mr. MacGachen, who was called to the bar in England by the society of the Inner Temple on the 8th of June, 1849, entered into articles on the 25th of January, 1860, with a practising attorney in this province, binding him to serve as a clerk for one year, in order that he might, after completing such service, be admitted an attorney, under Consol. Stats. U. C., ch. 35, sec. 2.

These articles expiring on the 25th of January, or rather, perhaps, on the 24th of January, 1861, there were not fourteen days between the time of service being completed and the commencement of Hilary Term, 1861, which began this year on the 4th of February, and it was therefore not in the power of Mr. MacGachen to comply with the third section of the act, which requires that such candidate for admission shall, at least fourteen days next before the first day of the term in which he seeks admission, leave with the secretary of the Law Society his contract of service, and an affidavit of due execution thereof, and of due service thereunder. See also secs. 5, 10, 24.

The society in consequence hesitated to grant him the certificate provided for in the tenth section, and made a special note of the facts in a certificate which they did grant of his having passed an examination as to fitness; and requested the consideration of the court upon the point whether M. MacGachen could be legally admitted.

The certificate stated that fourteen days before the commencement of the term the said articles, with an affidavit by Mr. MacGachen of due service thereunder up to the 19th of January, 1861, were left with the secretary of the Law Society; and that subsequently, but less than fourteen days next before the first day of the term, and after the expiration of the term mentioned in said articles, and before his examination, affidavits of himself and of the attorney to whom he was bound, proving that he had actually served and been employed by such practising attorney during the whole of his term of service, were presented to the convocation.

*Read, C.*, appeared for the Law Society, and *C. S. Patterson*, for the petitioner

Robinson, C. J., delivered the judgment of the court.

We think the statute does not authorise the admission during the present term, since Mr. MacGachen could not make and has