

CHARGE OF JUDGE GOWAN.

a fair compensation for the duty, in others not enough. This the Government have, I think, wisely met in the new law by requiring the amount received for fees, in excess of a fair remuneration, to be paid into the Provincial Treasury. But the requirement involves much work in keeping accounts and in returns to Government by all, even more work than was necessary before stamps were done away with. Clerks are allowed nothing for this extra work—not even the small quarterly fee allowed by Government for similar returns as to stamps. This certainly is not reasonable, and may well be complained of, especially in view of the fact that books, forms and stationery are not supplied to Clerks by Government; the cost of them coming out of the officer's own pocket, when not supplied by the County.

JUDGMENT DEBTORS.

A good deal has been said against what are called the "Judgment Summons clauses" of the Division Court Act, I must think in ignorance of their scope and intention; for rightly used and administered they are very valuable provisions. They certainly give no sanction to "imprisonment for debt." The object of the law, as I put it in a public address to the Courts in 1851, when the Statute came into force, is this:—The powers given are for the discovery of property withheld or concealed, the enforcement of such satisfaction as the debtor is able to give, and for the punishment of fraud. The debtor willing to give up his property to his creditors, ready to submit his affairs for inspection, and who has acted honestly in a transaction, although he may not be able to meet his engagements, has nothing to fear from the operation of this law. It is the party who has been *guilty of fraud* in contracting the debt, or who will not apply means in his power towards liquidating it, or who secretes or covers his effects from his creditors, that the law looks upon as a criminal, and who may, but only on the order of a Judge, be imprisoned as punishment for his misconduct.

I have had a long experience in the working of this law, and I would be sorry in the interest of justice and fair dealing to see it removed from the statute book. Judging from my own experience, I would say that there is no foundation whatever for the charge that debtors are harshly dealt with under these clauses, for in this large county *only twenty-three commitments have occurred under this Act for the last seven years*, and not an average of four commitments per year since 1861, in this, the largest and, with the exception of York, the most populous jurisdiction in the Province. It may

be that creditors sometimes hastily resorted to the remedy by Judgment Summons, causing unnecessary trouble and irritation to poor debtors. This was an evil, and the new Act very properly deals with it, placing certain wise restrictions on the indiscriminate use of the process by creditors, thus preventing abuses of the kind.

DIVISION COURT INSPECTION.

This Act also creates a new office in connection with the Division Courts—that of Inspector, with a salary not exceeding \$1,400 yearly, and having certain specified duties assigned to him. Under our Division Court system there are in the Province some three hundred Clerks acting separately and independently in the discharge of numerous and complicated duties of detail; it is not easy, therefore, to secure an exact compliance with all the duties prescribed by statute and rules without a general inspection of some kind, and my impression is that an intelligent and discreet inspector of some kind may be of much use in this way. Time, however, will show whether the office will answer the ends for which it was created—will test the experiment, whether a success or otherwise.

OTHER CHANGES.

An appeal from the decision of Magistrates under the Master and Servants' Act was formerly to the Sessions. By this Act it will now be to the Division Court. The County Judge is the presiding officer in both Courts, but the change will, in my opinion, effect a great saving to parties both in time and expense. This Act also contains other useful provisions for the administration of the law in the Division Courts.

THE GRAND JURY QUESTION.

The question of the abolition of the Grand Jury has, it is satisfactory to know, attracted considerable attention, and is now being discussed in this and the other Provinces of the Dominion; and I notice that a gentleman long familiar with the administration of the criminal law has laid before Parliament a measure on the subject. It is well that the matter should be fully considered before legislation takes place, especially as some difference of opinion prevails. I retain the opinion I have so often expressed, that Grand Juries may, with safety and with great benefit to the administration of criminal justice, be abolished, and that all that is necessary to retain of their functions may be better and more economically performed by *responsible* agents of the Crown. But I do not purpose enlarging at this time upon what has been already said; indeed, able writers in the public press have taken the matter up and