far as he is concerned, upon notice of the order.)

Then the summons issued under sec. 5 and sub-sec. 4, when served on the garnishee, has the effect of binding the debt due from him to the debtor, until the judge decides the suit. The summons is in itself an *attaching order* when served. I had at first thought it was only so when a fiat of a judge had been obtained.

Of course this construction saves the necessity of an affidavit, and does away with the judge's fiat, expediting the operation of the Act wonderfully. All the suitor has to do is to make out his particulars of claim against his debtor, and leave them with the clerk, giving the name of the garnishee also, and then the clerk summonses both the debtor and the garnishee in one summons.

This summons may have a special return before the judge in Chambers, in less than 10 days. Upon hearing the summons the judge gives judgment for or against the plaintiff, or for or against the debtor. If the last, he may then ask the garnishee if he owes the debtor, and if he owes the debtor, a judgment also follows against the garnishee, which judgment discharges (if sufficient) the creditor's claim against his debtor.

It seems to me, that the Act should allow the garnishee when he does not dispute his claim, and was always willing to pay it, a fee for his attendance. I hope the new rules have something to this effect. Then an affidavit is only necessary to get an order under sec. 6. Upon reflection, it seems doubtful when one examines the sec. 6, warranting the order to attach, and the form of the order given, whether it was not really the *intention of the Legislature even to give a creditor* power to attach accruing rent or wages. I alluded to this in my last. Some County Court judges have decided in the negative, but this point will be further discussed. Section 18, it will be seen, is a strange one, and empowers the clerk or judge to authorize any one not a bailiff to enforce process. Quære, in such a case, is the person (not a bailiff) entitled (say on executions) to court costs?

It is to be hoped the new (and I believe) voluminous rules will soon be out.

LEX.

Toronto, July 15, 1869.

TO THE EDITORS OF THE LOCAL COURTS' GAZETTE

GENTLEMEN,—A Division Court Summons is issued in the County of L. (where cause of action arose) against D. residing in Toronto, dated 6th August, 1868, for sittings of court to be held on the 21st of same month, and was served on day of issue on D. in Co. L. where D. resided about a year previous, and happened to be that day. Lake Ontario lies between Co. L. and Toronto, washing the limits of both and covering a distance of about 35 miles. Was D. served in time? Can Co. L. be said to adjoin County in which D. resides, D. living in Toronto?

In Special Summons under the New Rules (Division Court), served on K. 1st. June, 1869, the clerk makes use of form, reading "In case you give such Notice disputing the claim, the cause will be tried at the sittings of this Court to be held in the Court Room in the town of G., on the 14th day of June, 1869, after the return day first above named &c.;" and at the end of the summons gives notice. "The two next ensuing sittings of the said court will be held, as follows: on the 15th day of July, 1869; on the 18th day of August, 1869."

Is not this a deviation from what the judges who framed the rules meant to do. This summons gives the defendant notice of three sittings of the said court, whereas, it seems to me the judges intended summons to give notice of only two sittings. The form of summons given by judges is " * * * * * the cause will be tried at the sittings of this Court to be held at ——, next after the return day &c., * * * * the two next ensuing sittings &c.," in blank dates in form as above.

Do not you think the judges meant the summons to give notice to defendant of the sittings of the court next after the return day; and if the summons were not served in time for such sittings, that then the trial of the cause would take place at the other sittings named. Could not such a summons be set aside?

Your early answer will confer a favour.

Yours truly,

AN INQUIRER.

We do not think the County of L. and the County of York are adjoining counties within the meaning of the Division Courts Act. Even if Lake Ontario was entirely within Canadian