sec 102, and 16 Vic ch 177, sec 7, said, "I think tha an adjudication having been made by competent authority was final and conclusive, and that it was not competent for the Judge under the 84th sec of 13 & 14 Vic ch. 53, to grant a new trial" This decision was in the year 1856, and upon statutes no longer in force. At that time the proceeding by way of Interpleader was based on 7th sec. of 16 Vic cap 177, which contained no such general provision, enabling the Judge to grant new trials as was contained in the original act 13 & 14 Vic. ch. 53, sec 84, which fact may serve as a clue to the ground of the decision. But we have now to deal with the law as contained in the Consolidated Act, cap 19. By that act it is provided that the orders, judgments, and decrees of the Courts shall be final and conclusive between the parties (sec. 55), and in the Interpleader clause (sec. 175) the same language precisely is used, namely that the order of the judge "shall be final and conclusive between the parties." Then the judge by sec. 107 "upon the application of either party within fourteen days after the trial, and upon good grounds shown may grant a new trial upon such terms as he thinks reasonable, and in the meantime may stay proceedings." The whole law is now contained in the same act, and to contend *at the present day* that the words "shall be final and conclusive between the parties," in the Interpleader clause debars the judge from granting a new trial, would be something like an absurdity *when the same language is used to cases under the general jurisdiction*. If it were so it would seem as if there could be no new trial in any case.

The present statute we take it puts the decrees and orders of the Division Courts on a similar footing with the judgments of the Superior Court, as Parke, B. observed in *Robinson* v. *Sheehan* (12 Jurist 401) on an analagous enactment, a man may apply to the judge to set aside the judgment, but, if not aside it binds him.

On still broader grounds there is a stronger reason for delegating the power to grant new trials in Interpleader cases than in any other class of cases which came before the Division Courts From *their* nature they involve more difficult and intricate questions of law and fact. They generally embrace larger and more valuable rights Indeed there may be said to be no limit as to value in respect to the subject matter, and the very act of bringing the suit may be made to operate as a stay of proceedings in the superior courts respecting the same claim.

If there be good reason for the provision authorising a new trial in any case in the Division Courts, it applies in a high degree to Interpleader cases

In view then of the law as it now stands and the considerations referred to, we reiterate a strong opinion that a new trial on proper grounds be granted in Interpleader cases in like manner as in other cases before the Division Courts.

Mr Whipple's letter we give verbatim on the ground mentioned in the first part of this article.

To the Editors of the Law Journal.

HAMILTON, 29th Oct. 1860.

GENTLEMEN, —In answer to my communication of 8th August last, I see that you are of opinion that a Judge of a Division Court has the legal right to grant a new trial on Interpleader. I beg to refer you to the following report, *Regina* v. *Doty* on 398 fol., of 18th vol. U. C. Queen's Bench Reports, 19th Vic., Trinity Term.

Please notice this in your next issue, and

Oblige your obedient servant,
E. S. WHIPPLE.

IMPORTANT TO COUNTY COUNCILS.

In other columns will be found the report of a case (*Gibson and the Counties of Huron and Bruce*) decided under section 70 of the Assessment Act, as to the proper *mode of equalizing assessment* rolls of local municipalities, and the remedy, if an unjust *equalization* (.. we may be permitted the expression) be effected. We confess, however, that little light is thrown upon the meaning of the statutable provision in question, and little hope of redress held out to such rate-payers or such townships as may have reason to complain that their more wealthy and more powerful neighbours have made use of their powers for purposes of injustice or oppression.

We pass no judgment on the merits or demerits of the particular application which elicited the judgment we now publish. The court, unfortunately, does not appear to have power to deal with a case of the kind, and simply informs the applicant that his statements on affidavit are denied by affidavit, and it (the court) cannot interfere. The court, however, goes further. It says, that even if there were the power to interfere, that power could not be satisfactorily exercised by a tribunal not possessed of local knowledge, such as the members of county councils are supposed to possess.

If members of county councils, possessed of the requisite local knowledge, were to act in all cases free from selfishness—if they were in all cases to act dispassionately and disinterestedly—in performing the important duty entrusted to them by the legislature, there would be no cause for a higher or other tribunal; but we know that some men are prone to save themselves and their property at the expense of their neighbours, and that county councils are not free from such men. So long as our human nature remains what it is, we think there should be some check upon the proceedings of county councils, in the matter of equalization of assessment rolls of local municipalities.