

each electoral division, and each Returning Officer cannot preside unless there is a meeting in each division.

We throw together these observations on this point for the benefit of those whom they may concern. Without expressing any decided opinion, it is thought that the careful ones will provide for having a nomination meeting in each ward; this at least would secure the safer course. Six days' notice of the meeting is, it will be observed, to be given by the Returning Officer in all cases.

An attentive perusal of the Act discovers a variety of difficulties in construction and interpretation which we shall endeavour, from time to time, to speak of. Some of them have reference to the extent of the 427th section, where the words "qualification of electors and candidates are used." Are they to be understood as speaking merely of the *amount* of the personal property required, or do they include other matter which may be said to come within them in a more general sense—for example: has an elector, in a city or town, paying rates in different wards, a right to vote in each, under section 78; or has a person otherwise qualified, but who has not paid his taxes before the 16th day of December next preceding the election, a right to vote, or is he disqualified under section 75, as amended? But we must leave these matters and the continuation of our sketch on the proceedings at elections for a future article.

#### RETURNS OF EXECUTIONS BY BAILIFFS.

It has been suggested that it would be advisable to extend the time within which Division Court bailiffs must make returns of writs of execution placed in their hands. It is argued that an extension of time would enable them to do better for the execution creditor, without, at the same time, unnecessarily pressing or harassing the debtor; and that the time now allowed is too short, considering the obstacles which so often hinder bailiffs in the prompt discharge of their duties in the premises.

These arguments are, probably, to a certain extent founded upon experience; but only to a limited extent, so far as we are capable of judging; and it would require something very strong to induce any one who thinks upon the matter to wish for a change that would give greater latitude to officers in this respect.

It is to be carefully borne in mind, that Division Courts were constituted and are intended for the "more speedy recovery of small debts;"—speedy, not only in the process of adjudication, but also in that of collection through the process and by the officers of the courts. So far as the public outside are concerned, complaints are often made that these courts do not sufficiently and to as great an extent as might be expected, carry out the very wise and proper intentions of those who introduced the system. These complaints do not prove much certainly, but they occasionally have some foundation in fact, and it would be unwise to lend them any additional force by introducing a measure which would not, we think, upon the whole, answer any good purpose. Would not the effect of it be simply to give an excuse to bailiffs to idle over their duties probably to the loss of the creditor and without any compensating advantage to the debtor? In the large majority of cases it will be found that the money can be as well realised within thirty days as sixty. If it is right and proper that a debtor should have further time to satisfy the execution, he can obtain it from the judge upon showing sufficient grounds on affidavit. But it is the judge only who should have this discretionary power, and it is contrary to public policy that it should be in the power of a purely ministerial officer, such as a bailiff is, to do more or less than the law directs him to do.

There is one way, and only one way in which an alteration could be made, (and even that, taking into consideration the simplicity of procedure in Division Courts, would not be in every respect advisable,) and that is, to follow the analogy of the law in the Superior Courts, which enables the plaintiff, after a certain period and upon giving notice, to "rule" the sheriff to return the writ, together with the money that have been made upon it into court, under pain of being guilty of contempt, or such other penalty as might be devised.

#### SELECTIONS.

##### TESTIMONY OF DEFENDANTS IN CRIMINAL PROSECUTIONS.

BANGOR, ME, Feb. 24th, 1866.

MY DEAR SIR,—I received a few days ago a note from my friend Governor Cony, advising me that you were desirous of ascertaining the practical working of the change in the law of evidence, recently adopted in this state, by