

chair. An explanation of the object of this social congress was then made, after which His Honor, the chairman of the Quarter Sessions, delivered an address, pointing out the advantages which might flow from a periodical association of the magistrates of the county, and in which he directed attention to the importance of keeping well up in the current law; the responsibility involved in the office of magistrates, and the consequences both socially and pecuniarily that resulted from neglect on the part of magistrates to cultivate acquaintance with the decisions of the law courts. He quoted from the *Local Courts' Gazette* an illustration of what he was urging, and advised the magistrates to become readers of that useful periodical as one means of posting themselves in the duties of their responsible office.

Mr. Price followed, in a brief speech, in which he seconded the views of the judge.

Mr. Horton, Recorder of the city of London, responded to a call upon him, in a very excellent speech on the social justices of the peace, and of the necessity of maintaining the respect due to it by an intelligent discharge of the duties of the office.—*Canadian Home Journal*.

THE LAW & PRACTICE OF THE DIVISION COURTS.

(Continued from page 32.)

Before examining in detail the provisions contained in sec. 71, other causes of an exceptional nature varying this general enactment, and giving a plaintiff the right under certain circumstances to select the tribunal, must be briefly noticed.*

As regards clerks and bailiffs of Division Courts, there is by sec. 83 an express prohibition, for obvious reasons, against their bringing any suit in the Division Court to which they are attached; whilst as respects actions against them a plaintiff seems to have the option of suing there or in any other division which immediately adjoins. There would be a practical difficulty, it is true, where there is only one bailiff acting for the court, but still the right seems to exist. The option is properly given to the plaintiff to meet cases where the cause of action against an officer has arisen in his own division. Officers also are empowered to sue in an adjoining division. The clause (sec. 85) runs thus:—“Every clerk or bailiff may sue or be sued for any debt due to or by him, as the case may

be, separately, or jointly with any other person, in the court of any next adjoining division, in the same county, in the same manner to all intents and purposes as if the cause of action had arisen within such next adjoining division, or the defendant or defendants were resident therein.” The right here given is permissive, whilst the language prohibiting officers from suing in their own division is imperative.

When proceedings are commenced by attachment against the defendant's goods, the plaintiff is not tied down to the court for the division in which the cause of action arose, or in which the defendant resided, for, under the 202nd section of the act, the proceedings in such case may be conducted to judgment and execution in the Division Court of the division within which the warrant of attachment issued; yet where proceedings have been commenced in any case before the issue of an attachment, such proceedings may be continued to judgment and execution in the Division Court within which the proceedings were commenced: (sec. 203.)

When a claim is made to or in respect of any goods or chattel property, or security taken in execution and attached under the process of any Division Court, or by any landlord for rent, or by any party not being the party against whom such process issued, the parties really interested may be required to interplead when summonses are issued, and the claimant becomes the plaintiff, and the judgment creditor the defendant in the proceeding: (Rule 53).

The court from which these summonses are to be issued is not to be determined by the locality in which the cause of action arose, or the defendant resided, for section 175 expressly enacts that upon application of the officer charged with the execution of the process the clerk of the court may “issue a summons calling before the court out of which such process issues, or before the court holden for the division in which the seizure under which such process was made,” both the execution creditor and the claimant; “and the county judge having jurisdiction in such Division Court shall adjudicate upon the claim.”

By the act to amend the law of replevin in Upper Canada (23 Vic., cap. 45), replevin may be brought in the Division Court, and it is expressly enacted where the writ may issue

* The provisions of the 10th, 11th, and 13th sections of the act may be here referred to, as relating to the subject of venue, and as connected in a certain sense with the subject discussed in the text.