

in the case of the poor wretch who is run into debt by a spendthrift wife, or gets into the hands of Shylocks or sharks. No doubt it is sometimes a difficult matter for the judge to learn the truth as to the debtor's means, and he frequently has an anxious and unpleasant task. The plaintiff, on the examination of the debtor, is prepared to show that the defendant is receiving a good salary, is living in fine style, or has expectations, or has contracts on hand, or is engaged at work from which he must necessarily make enough to enable him to pay. If the debtor does not appear it would be wise in the judge to take these statements subject to a mental discount of fifty per cent. In most cases the defendant appears in person, having donned his worst clothes—ragged and out of elbows—with a pitiful tale of woe. Dr. Johnson somewhere says that "human nature is a d—d rascal," and that is often very apparent in the examination of judgment debtors. In such cases a skilful examination, especially when the examiner has posted himself as to the debtor's means and antecedents, will be effectual in exposing the sham cases. In cases of actual poverty and distress the judge should exercise his discretion and make a light order of \$1 a month, or give him time to pay. In several of the counties in this Province these sections of the Act are a dead letter. The debt-collecting business of the Division Court is no doubt loathsome work, and to judges it may be disgusting to be made the instrument of the legalized tyranny of small money lenders and local Shylocks, or to collect debts which would never have been incurred were it not for the demoralizing system of selling on credit. The consequence is that in such counties a great amount of money remains uncollected because of this neglect. And the amount of money actually collected bears but a small proportion of the amount which is paid on account of these clauses of the Act being carefully enforced. In the City of Toronto the information of the officers of the courts is that the amount of money collected by these means, directly or indirectly, does not fall far short of \$100,000 per annum. The fact is that a vast body of people in Toronto will not pay their small debts without compulsion of law, the ultimate resort being the power of imprisonment. If imprisonment were abolished this compulsion would be gone, and tradesmen ruined by uncollectable debts. So far from advocating the repeal of the committal clauses of the Division Courts Act we should like to see them enforced by the Division Court judges in all the counties of the Province; not with unnecessary harshness, but with the exercise of a wise discretion, and in the spirit of the enactments in that behalf:

COMMENTS ON CURRENT ENGLISH DECISIONS.

We continue the Law Reports, Chancery Division, for May.

MARRIED WOMAN—CHOSE IN ACTION—TITLE OF HUSBAND—GENERAL PROBATE OF WILL OF MARRIED WOMAN.

In *Smart v. Tranter*, 43 Chy.D., 587, the Court of Appeal (Cotton, Lindley, and Lopes, L.JJ.) have reversed the judgment of Kay, J., 40 Chy.D., 165 (noted *ante* vol. 25, p. 158). It will be remembered that in this case a woman married