

## GENERAL CORRESPONDENCE.

On these facts, which are as I learned them, the judge decided: 1st. That the pledgee's claim had the priority and on being paid, 2nd. That the *fi. fa.* would come in before the attaching order, and take until it was satisfied, after which the order would be available.

Yours respectfully,  
ATTORNEY.

St. Catharines, Feb. 6, 1866.

### *Law Society Scholarships.*

TO THE EDITORS OF THE U. C. LAW JOURNAL.

GENTLEMEN,—Being admitted a member of the Law Society, in Easter Term of 1865, but having been articulated in the spring of 1864, I wish to inquire whether I shall be eligible to compete for the first year's scholarship of the present year? Does the time spent under articles previous to admission into the society disqualify one for such competition? Please inform me if so, and oblige

Feb. 15, 1866. A LAW STUDENT.

[We think you are eligible. See Rule of Law Society of February, 1865, on p. 228 of last volume of the *Law Journal*. We do not see that your articles of clerkship have anything to do with the matter.—EDS. L. J.]

### *Division Courts and Credit System in Upper Canada.*

TO THE EDITORS OF THE U. C. LAW JOURNAL.

GENTLEMEN,—I noticed in the last *Law Journal* a communication from your correspondent "DIKE," and I desire to express my concurrence with his views.

I believe that the total abolishment of our Division Courts would be of great benefit to the country. I would even go farther than "DIKE," and allow no suits for debts under \$100. The small credit system, if not actually ruining a number of our farmers, is a great obstacle to their advancement and prosperity; and whatever conduces to their well-being must be beneficial to the country at large. This change would involve no hardship, for honest men could get credit for all they desired; and as against the dishonest, the present system is no effectual check.

Actions for torts up to \$40 might well be left to the magistrates for summary disposal, subject to appeal, and this would also lessen the costs.

I quite agree with "DIKE" in all his remarks, and hope that our Legislature will seriously consider this matter, for I am convinced that any change in this direction will be for the better.

Yours truly,

February 16, 1866.

H. R.

*Watt v. Vanevery et al.* 23 U. C. Q. B. 196—  
Correction in statement of facts as reported.

TO THE EDITORS OF THE U. C. LAW JOURNAL.

GENTLEMEN,—I observe in the January number of the *Local Courts' Gazette*, in the article on "The Law and Practice of the Division Courts," a reference to the case of *re Watt v. Vanevery et al.* 23 U. C. Q. B. 196. From the report of this case it would appear that the County Judge had assumed to exercise jurisdiction, until prohibited, in a case where the *whole cause of action* had not arisen within the limits of his Division Court: Now such was not the fact. The evidence showed that the contract sued on, which was made at Brantford, was for the delivery by the defendants of a quantity of fish at the Goderich Station, to arrive at the Brantford Station in good condition.

The breach sued for was that the fish, when they arrived at Brantford, were in bad condition. On these facts the County Judge held, that the whole cause of action arose at Brantford. The defendants then applied for a writ of prohibition, erroneously stating the contract to be for the delivery of the fish in good condition at Goderich, and not elsewhere. Upon this the Court of Queen's Bench granted a rule *nisi* for a writ. It was this application that was reported.

Upon the return of the rule, and the facts of the case appearing as I have above stated them, the court discharged the rule, and the case was disposed of in the Division Court.

It would have been better if the reporter had waited until the rule was disposed of, when the whole case could have been given, instead of reporting the *ex parte* application for the rule *nisi*.

February 17, 1866.

JUSTITIA.

[As the above letter is written by one thoroughly conversant with the facts, his statement may be relied upon as being perfectly accurate. But whilst—for the purposes of