

and after such consideration draw up a just and moderate tariff as would deserve and command the attention and approbation of our several judges. Then send one of their number as a delegate, to a meeting to be held in some central place, with said tariff. The tariffs so brought together to be compared, and one fixed upon by the delegates and that to be printed and a copy sent to each county judge with a request from all the clerks to all the judges to interest themselves, and see that their clerks get common justice from the Legislature, fair wages for work done.

I have a list of duties required to be performed by Division Court Clerks without any remuneration, that would fill a column of your journal, but I do not wish to afflict your honest soul with such a list of wrong, and I have taken up too much of your time and space already I fear. For eight years past I have been musing (and that was *a musing* that was not *amusing*) and at last the fire has kindled and I have writ with my pen. Are not we Division Court Clerks as a body, as respectable and intelligent a body of men as the clerks of County Courts, Crown and Pleas, Surrogate Courts, or even as County Crown attorneys, or even as the sheriffs? We have to sit our long days in court like the former; they get \$4 per day. We get nothing. They get fees for filing papers. We file twice the number and get nothing. They swear witnesses at 20c. each. We have to swear dozens of them for nothing. The Crown Attorney writes letters at 25c. each, paper found. We write dozens on our own paper for nothing. The sheriff receives, takes charge of and pays over money and gets five per cent. for doing so. We have to do the same with many more entries, and get nothing per cent. for doing it. All those gentlemen have offices, books and stationery provided for them. We have to provide all these at our own expense, and then they are the property of the County Crown Attorney. Sir, my surety bonds amount to twelve thousand dollars (\$12,000) just the same as the sheriff of the county, and a little less than the clerk of the Crown and Pleas.

Their working time is over at 3 o'clock, p.m. Mine is never over if any one chooses to call for my services. Their incomes are small enough, and mine is not much more than half theirs. Why should it not be more nearly equal; not that I care about the proportion it

bears to theirs, if it was in itself enough to supply the modest wants of my not numerous family.

If I could keep my family warmly clad, any other man's may go in silk and satins for me. If I can feed my family on plain wholesome food, any other man's may have all the luxuries money can get him. Nor do I want to see my country in distress that I may accumulate riches. But I do want this, that I and my brother clerks and our bailiffs should be paid a fair remuneration for the work we are called upon to do; taking into account that as we are expected to be on hand to do that work when wanted, which prevents us from going abroad to look for other work, the pay for the hours work we do, should be made to cover the hours we are forced to be (as regards money making work) idle.

I am Sir,

Your obedient servant,

T. A. AGAR,

Clerk 1st Division Court, Co. Peel.

Jury trials in Division Courts—A question as to the power to nonsuit.

TO THE EDITORS OF THE LOCAL COURTS' GAZETTE.

GENTLEMEN.—The Division Court Act (Consolidated Statutes of Canada, sec. 84, page 149,) contains this provision: "On the day named in the summons, the defendant shall in person, or by some person on his behalf, appear in the Court to answer, and on answer being made, the judge shall, without further pleading or formal joinder of issue, proceed, in a summary way, to try the cause, and give judgment; and in case satisfactory proof is not given to the judge, entitling either party to judgment, *he may non-suit the plaintiff*; and the plaintiff may, before verdict in jury cases, and before judgment pronounced in other cases, insist on being nonsuited." Then again, in the rules of the Division Court, having the force of Statute Law, we find this in addition to the above law as to nonsuit, see General Rule 69: "In cases where the hearing is by jury, the judge has the same power to nonsuit as in ordinary cases." Then we will advert to the clause as to jury trials: "Five jurors shall be empanelled and sworn to do justice between the parties whose cause they are required to try, according to the best of their skill and ability, and to give a true verdict according to the evidence, and the verdict of every jury shall be unanimous." See