sue in a D. C. for any sum of money not exceeding £25, due to him for wages, in the same manner as if he were of full age.

This section is not the foundation of a minor's right to sue—he could sue without it, it is merely a regulation of practice enabling the minor to sue in the *same manner* as if he were of full age, that is, either in person or by authority, without the intervention of a "next friend;" and the effect of this, as we understand it, is in giving the privilege to make an infant liable, as other parties would be, for costs should he fail in the action. The privilege spoken of extends to the specified causes of action only, viz., for "monies due for wages," and neither in the Statutes nor in the general Rules is there any express provision to shew how an infant is to sue in the D. C. for other causes of action.

The 64th section of the English Co. Courts Act is similar to sec. 27 (above referred to), and in reference to suits by infants the following Rule has been adopted:

"RULE VI. Where an infant applies to enter a "plaint for any cause of action (other than for "wages or piece work, or for work as a servant) "he must procure the attendance of a next friend, "at the office of the Clerk, at the time of entering "the plaint, and no plaint shall be entered until "the next friend has undertaken in the form in the "Schedule to be responsible for costs; and on "entering into such undertaking he shall be liable "in the same manner and to the same extent as if "he were a party in an ordinary suit; and the "cause shall proceed in the name of the infant by "such next friend, and such undertaking shall be "filed by the Clerk, and no order of the Court shall "be necessary for the appointment of such next "friend. If the plaintiff fail in or discontinue his "suit and shall not pay the amount of costs "awarded by the Court to be paid by him to the "defendant, such proceedings may be taken for "the recovery of such amount from the next friend "as for the recovery of any debt or damages ordered "to be paid by the same Court."

We give the above rule as shewing the practice in England, not that we venture to say the "next friend" can be summarily dealt with in the D. C. as if a rule similar to the above was in force, but we give it as indicating the course of procedure. As the rule of the common law in respect to the disability of infants remains in all cases, except those mentioned in the 27th section, how is an infant plaintiff to sue?

By the D. C. E. Act, sec. 18, in any case not expressly provided for by the Statutes or Rules, the general *principles* of practice in the Superior Courts at common law at Toronto may be applied, in the discretion of the Judge, to actions and proceedings in the Division Courts. The primary object of the practice in the Superior Courts is to secure a responsible party for the costs in case the plt. fails in his action, and, as an incident that the dft. should have time for enquiry as to the responsibility of the *prochien ami*. The formal proceeding, therefore,—a petition, consent, and affidavit of signing petition and consent, the preliminary attendance before a Judge, and the admission by final order—may, in our judgment, be dispensed with in the D. C., and the following simple procedure adopted.

The "infant" plt. appears before the Clerk with his "next friend," who signs an undertaking; it may be as in the following form, which is similar to that used in the English Co. Courts:—

In the —— Division Court for the County of ——.

I, the undersigned, being the next friend of A.B., who is desirous of entering a suit in this Court against C.D., hereby undertake and agree to be responsible for the costs of the said C. D. in such cause, and that if the said A.B. fails to pay to the said C. D. when and in such manner as the Court shall order all such costs of such cause as the Court shall direct him to pay to the said C. D., I will forthwith pay the same to the clerk of this Court.

Dated this —— day of ——.

Signed in the presence of } T. T.
E. F. Clerk. }

The undertaking may also be brought, when in a complete state, to the Clerk; for it is not *necessary*, though it is advisable, that he should see it signed by the "next friend."

The summons should be in the name of the minor as plt., suing by his "next friend," thus:—

"A. B., an infant, suing by his next friend T. T., plt.
vs.
C. D., dft.

It may be well to serve a copy of the undertaking with the copy of summons—it will inform the dft. who the "next friend" is, and give ample time for enquiring as to his solvency; and thus do away with any ground for an adjournment for that alleged object. This, though not the only mode, appears the most simple and easily managed practice, when it becomes necessary to sue by "next friend" in a D. C.

DIVISION COURTS.

(Reports in relation to)

ENGLISH CASES.

EX: MORETON *v.* HOLT. *Jan* 26.

A Co. C. judgment cannot be removed into any of the Superior Courts of Westminster for the purpose of issuing execution upon it from there; under the 17 *Geo.* 3, *c.* 70, *s.* 4; *or* 1 *& 2 Vic. c.* 110, *s.* 22; *as those Acts do not apply to the Co. Courts as at present established.*

The plaintiff in this case had recovered a judgment in the Co. C. at Windsor, against the defendant, for a sum above £20. A new trial was applied for and refused. A few days afterwards, an *ex parte* application was made to Crompton, J.