

COUNTY JUDGES' ANNUAL MEETING—THE JUDICATURE ACT AND THE DIVISION COURTS.

like many others in the profession he has simply mistaken his vocation. Perhaps he thought he was preparing himself for the office of Solicitor-General, not knowing that it was abolished years ago. But let him not despair, industrious peddlers of small wares gain a living in various lines of business.

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COUNTY JUDGES ANNUAL MEETING.

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The Tenth Annual Meeting of the County Court Judges was held in the Benchers' Convocation Room at Osgoode Hall, Toronto, on Wednesday and Thursday, the 27th and 28th days of June, 1883, pursuant to the usual notice convening the same, issued by the Secretary, His Honor Judge Boyd.

The attendance was fairly large. The following Judges were present:—His Honor Judge Gowan, *Chairman*, and Messrs. Burnham, McQueen, Jones, Kingsmill, Toms' Senkler, Macpherson, Price, Wilkinson, McMahon, Bell, Boyd, Benson, Dartnell, McDougall, and Sinclair, JJ.

Judge Boyd resigned his position as Secretary to the meeting, and Judge McDougall was elected Secretary.

A number of questions affecting practice were discussed at considerable length by the Judges present during their two days session—more particularly questions arising in consequence of the changes effected by the Judicature Act. The extent to which the Rules of Practice under that Act affect Division Court practice was also considered, and the opinion of a majority present seemed to be in accord with a recent decision of Judge McDougall on the subject, in a case reported in another place in this number. Upon the question of introducing some of the rules of the Judicature Act by exercising the discretion conferred by section 244 of the D. C. Act, for cases unprovided for by the D. C. Act, there was not the same unanimity of opinion.

Some questions of practice and procedure under various criminal Acts, and under the School Acts, were discussed and opinions assimilated.

It is understood also that the Judges authorized their Chairman to confer with the Attorney-General upon the advisability of power being granted to the Board of County Judges to frame a tariff of costs for the County Court, and a tariff for costs of proceedings under various statutes, any such tariff to be approved of by the Superior Court Judges.

The meeting separated on Thursday the 28th June, to meet again on the 28th June, 1884.

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THE JUDICATURE ACT AND DIVISION COURTS.

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WE publish two judgments in this number delivered by County Court Judges, dealing with the question of the applicability of the Rules in the Schedule to the Judicature Act to Division Court practice—*Building and Loan Association v. Heimrod*, a decision by Judge McDougall; and *Smith v. Lawler*, a decision by Judge Dartnell.

We believe both of these judgments, as well as the judgments of Judge Clark in *Burk v. Britain*, 19 C. L. J. 72, and of Judge Dean in *Cowan v. McQuade*, 19 C. L. J. 108, were discussed by the County Judges at their late conference at Osgoode Hall.

It is said a majority of the Judges approved of the views expressed in *Building and Loan Association v. Heimrod* and in *Cowan v. McQuade*. A few, however, were of the opinion that the practice under Rule 80 of the Judicature Act might be introduced into the Division Court by the exercise of the discretion conferred by section 244 of the D. C. Act. Judge Dartnell goes further in *Smith v. Lawler*, and relies upon the general language of sects. 77 and 80 of the Judicature Act, as expressly conferring the power to introduce a practice similar to the practice under Rule