

## GENERAL CORRESPONDENCE.

gets goods on the strength of his credit to the extent of his small wants, which credit is often but fictitious and imaginary, then he would get them (if his circumstances were such that he could not possibly at the moment pay cash, but being known to be an honest man) on the pledge of his *character* alone, and this latter would be a much greater security than what the creditor now has. Of what value to the creditor, is the Division Court, who has a number of small debts due him? he sues, obtains judgment, incurs costs, which the fruits of those small debts which he succeeds in collecting are often times inadequate to cover! and then follow judgment summonses and so forth, creating further costs and dragging from his work the unfortunate debtor, most likely a man labouring from day to day at a few shillings per day, whereby he and his family are deprived of what to them is of great consequence—a whole day's labour! and no benefit whatever in most cases results to the judgment creditor.

Under our present Exemption Act, which has the effect (and I think may properly) of relieving *all* the property which this class of debtors possess from execution, what is the use of continuing Division Courts, if their continuance is only to enable *judgments* to be recovered for amounts under \$40.

The procedure of the County Court as to cases which would thus be brought within it might be simplified and rendered less expensive, by allowing cases to be tried by the judge alone or by a jury, as is at present the case. A writ to be issued specially endorsed and if no appearance, judgment; if an appearance, then there need be no pleadings, the endorsement on the writ and the appearance being quite sufficient. These are mere matters of detail which at present do not require to be dwelt upon more at length. But before closing I should like to draw your attention to one other benefit, which would arise from an alteration such as the above, namely to our County Judges, who at present have far more labour thrown upon their hands than they should have. Their Division Court circuits would be ended, and further, they would thereby be relieved of what is by far the most harrassing and wearing portion of their labours, and there would be much less likelihood of their being made to bear the brunt of the dissatisfaction and odium of suitors

which they so frequently find the only reward or acknowledgement of all the labour they spend in determining small causes under our present system.

Yours truly,  
DIKE.

*Insolvent Act of 1864—Where meetings to be held.*

TO THE EDITORS OF THE LAW JOURNAL.

GENTLEMEN,—In the last number of your valuable journal, you reported a judgment given in an insolvency case by his honor Judge Jones, of the County of Brant, in which he decided that all meetings subsequent to the first meeting of creditors must be held in the county town. Whether the learned Judge intended that his decision should be understood to apply to all cases, even of *voluntary* assignment, does not clearly appear; but I apprehend his remarks must have been made with reference to cases of *compulsory* liquidation only.

The whole scope of the Insolvent Act indicates, clearly, the intention of the Legislature to give to creditors and insolvents every facility in winding up the estates of the latter; and that such would not be the case if in every instance all parties must meet in the county town, is immediately apparent. Since the first meeting of creditors is permitted by section two of the said Act, to be called at the usual place of business of the insolvent, or, at his option, at any other place which may be more convenient for them; why may not the convenience of the creditors be consulted in all subsequent proceedings. It is presumed that in the choice of an assignee by the creditor, due regard will be had as to the place intended for subsequent meetings.

Again, section eleven, the section which relates to procedure generally, requires all notices to be published in a newspaper published at or near the place where the proceedings are being carried on. Can it be that the Legislature intended meetings to be held in the county town only, and still thought it necessary to add—if such newspaper be published within ten miles of such place?—within ten miles of a county town! It will be observed that the term employed is not courts, or office, or town, but *place*. Was such general language used for the purpose of including the place where the first meeting might be