

rants to be countersigned by judges, or even by clerks of other counties, when the debtor may have moved from his own county into another during the currency of the warrant. It is a pity too that the judges had not allowed *clerks fees* for filing papers on Chamber applications and new trials. The business would have been done more orderly and carefully then. And the applicant for a new trial should have been made to pay for all affidavits used to oppose his application if unsuccessful, or if new trial should be granted for his benefit.

I cannot see the necessity in these rules of increasing witness fees to 75 cents a day, leaving *poor jurors* with only 10 cents a day. The garnishee rules are also very good, and I observe that clerks are now given forms, as to procedure, when under the Common Law Procedure Act, they are obliged to carry out the orders of County Court or Superior Court Judges.

The contested point as to the validity of a Division Court judgment over six years old, is set at rest, and the manner of its revival is fixed by rules 156 and 157. The rule 160, as to framing transcripts to the County Courts, is well timed. So is the rule 125 as to parties leaving their place of residence or address with the clerk. The rules as to infants (126) and as to the statute of limitations (127) are admirable, and meet the wants felt in thousands of cases, and assimilate the practice of these courts somewhat with the Superior Courts. Sub-section "F." of rule 142 is very good. If it was within the power of the judges, it is a pity they had not made it clear that a judge granting a new trial might impose on the party applying and obtaining his desire a condition that he should pay the successful litigant all his costs, such as affidavits and attorney's fees on opposing new trials. Rule 144 was very necessary. Judges (in many cases) have been prone to interfere at the solicitation of friends of suitors with their own orders *ex parte!* For instance, a man obtains at great trouble an order to commit against a dishonest debtor, and the debtor when arrested is taken to the judge, his story and wrongs heard—*ex parte*—and the creditor next sees him in the street at large laughing in his face. The judge has taken upon himself to nullify his own order, and to say that the creditor shall not collect his debt! A pretty power surely for any judge to assume! Rules 90, 91, 92 and 93, as to the duties of Bailiffs, and giving them

an attendance fee at Court in default suits, are very necessary.

Rule 95, which has reference to clerks of foreign counties principally, is very admirable.

Rules from 41 to 50 inclusive, on *Replevin process*, are just what were required.

In interpleader matters the rules might have been more explicit and enlarged. For instance, one original interpleader summons should have been made to answer, where many claimants arise as to goods seized under one execution, each claimant being served only with a copy. Bailiffs, as the law and practice now are, can make a dozen original suits out of as many claims, all arising from one seizure. It is a pity that more had not been said in the rules as to the conduct of Bailiffs in executing writs of execution.

Might not something have been said as to Bailiff's returns of "*Nulla bona?*" as to whether executions bind the goods as soon as the bailiffs receive them? Perhaps not this last. I think it would have been better had a rule been made requiring clerks in outer counties to forward monies or returns on all transcripts sent them, charging the costs of transmission to the defendant who caused it.

I will not further extend these remarks in this letter.

C. M. D.

Toronto, 25th August, 1869.

APPOINTMENTS TO OFFICE.

ASSISTANT COMMISSIONER OF CROWN LANDS.

THOMAS HALL JOHNSON, Esq., to be Assistant Commissioner of Crown Lands, in the room and stead of Andrew Russell, Esq., resigned. (Gazetted Aug. 21, 1869.)

CROWN LANDS' AGENT.

ANDREW RUSSELL, Esq., to be Resident Agent for the sale of Public Lands in the County of Wellington, in the place of James Ross, Esq., resigned. (Gazetted August 21, 1869.)

STIPENDIARY MAGISTRATE AND REGISTRAR.

JOHN DORAN, of the Town of Perth, Esq., to be Stipendiary Magistrate and Registrar for the District of Nipissing, in the room and stead of Thomas H. Johnson, Esq., resigned. (Gazetted August 21, 1869.)

NOTARIES PUBLIC.

PETER McCARTHY, of the Town of St. Catharines, Esq., Barrister-at-Law. (Gazetted July 3, 1869.)

CORONERS.

JAMES WALLACE, of the Village of Alma, and JAMES McCULLOUGH, of the Village of Everton, Esquires, M. D., to be Associate Coroners, within and for the County of Wellington. (Gazetted June 19, 1869.)

WESLEY F. ORR, of the Village of Lynden, Esq., to be Associate Coroner, within and for the County of Wentworth. (Gazetted July 31, 1869.)

JOSEPH DIX, of Garden Island, Esq., to be an Associate Coroner, within and for the County of Frontenac. (Gazetted August 28, 1869.)