

## DIVISION COURTS.

### OFFICERS AND SUITORS.

**Clerks and Bailiffs.**—The late Act, while increasing the remuneration of officers, comes also laden with additional duties imposed upon them. But of this we are sure, officers will not complain: their language has always been—"Give us as much to do as you like, but pay us for the labour imposed." And now that the Legislature has commenced the good work, we trust the final issue will be to place the D.C. officers on as good a footing, in proportion to the time and labour given, as other like officers in the administration of justice in the Superior Courts. The Courts they are connected with are of great and growing importance to the public; and speaking from a very general personal knowledge of the Clerks of Division Courts, we assert that the great body of them are, in point of intelligence, education and social position, at least equal to other officers who draw, direct from the State, salaries in amount more than double the emolument which D.C. Clerks generally enjoy.

Clerks will see that we have noticed in the editorial one point in relation to the late Act, to which we refer them. The 3rd section requires Clerks to keep books in which transcripts of judgments from other Counties are to be entered. If we were to take the language literally, the section might seem to require an entry of the transcript at length, but it is added, "and the amount due on such judgment according to such certificate." If the meaning of the clause was to require the transcript to be copied at length, it was unnecessary to add this, for the transcript would shew the amount due: we think, therefore, a note of the substance of it will be sufficient to satisfy the requirements of the clause. Clerks must make up books for the purpose, which may be denominated "Transferred Judgments Book," or by any other significant name. We would recommend this book to be ruled in columns, with the following heads: 1st, the name of the plaintiff; 2nd, the defendant's name; 3rd, the county and division in which judgment given; 4th, the nature and amount of judgment; 5th, the date of judgment; 6th, when execution, if any, sued out; 7th, amount paid, and when; 8th, amount remaining unpaid on the judgment; 9th, a column for remarks. Or it may be made out after the manner of Lawyers' Dockets; in which case the entry might be in this way:—

A.B., Plt.

vs.

C.D., Dft.

1855.

August 1st.—Received transcript of Judgment in this cause from ——— Division Court of the County of ———,

showing that on the ——— day of ———, A.D. 1854, Judgment was rendered in the said Court in favor of above Plaintiff for £ ———; that an Execution was sued out thereon in the said Court on the ——— day of ———, and that £ ——— now remains unpaid upon the said judgment.

The second and latter part of the third clause of the Act impose additional duties on both Clerks and Bailiffs. In acting under these clauses, Clerks should keep a book to make the necessary entries: it may be called the "Foreign Summons Book," (in contradistinction to Summonses issued from their own Courts). This book should shew the style of cause—the nature of process—when received—when delivered to Bailiff—when returned—and the amount of fees.

Bailiffs should also keep corresponding books in which to make their entries. All entries respecting papers received for service from another Division should be kept separate from the entries of papers belonging to the Officer's own Division.

We fear a difficulty will be found as to the Bailiffs' fees. The Clerk who transmits the papers for service will not usually be able to say the amount he should take from the party to cover the charge for mileage; but as it is probable he would be held answerable for the fees to the Bailiff who make the service, he should take amply sufficient, according to the best of his information, as a deposit, returning the overplus, if any, when it is ascertained what the mileage will be.

The limits of the several D.C. Divisions in U.C., and the names and post-office address of the Clerks for each Court, are now matters requiring to be known generally, with a view to working out the provisions of the late Act. If the Clerks in each County would so arrange as that one of their number would forward to us (post free) a corrected table giving this information, we would endeavour to find space for it in the *Law Journal*, month by month, till the whole was inserted, or otherwise throw it into the shape of an office sheet for reference—in the latter case charging officers requiring it a sum barely sufficient to cover the cost, say 2s. 6d. per dozen.

**SUITORS.**—As every claim sued on in a Division Court must be brought in the proper Court, or the plaintiff will be non-suited, the question "What D.C. a party having a cause of action is to bring his suit in" is an important one for intended plts. to determine. We will first speak of suits against dfts. *residing in the County* in which the action is brought. The D.C.E. Act of 1853 requires, in general, that an action should be brought in the Court holden for the Division in which the cause of action arose, or in the Court holden for the Division in which the dft., or where there shall be