

had not been brought before a court of record. Please say how the constable is to get his pay from the county, or from the complainant, or can he get any pay at all.

CONSTABLE.

[In such a case as that above stated, we think the Crown ought to pay the fees, if a fair construction be placed upon the act respecting the expenses of the administration of justice. But in any case, the constable should not go unpaid, and he might naturally look to be paid out of county funds—at all events in the first instance.—Eps. L. C. G.]

*Alterations of court limits.*

TO THE EDITORS OF THE LOCAL COURTS' GAZETTE.

GENTLEMEN,—Our legislators have enacted another amendment to the Division Courts Act, and which, if carried but a step further, might have a very important and salutary effect.

The amendment referred to, provides that it may be lawful for any judge of a County Court, on the receipt of a petition from the Municipal Council to create a new division, &c., thus rendering still more onerous the duties of persons who have been always represented in your journal as overtasked and overworked.

Had the amendment been to the effect that when in the opinion of the county judge the business connected with those courts falls below a certain amount, it should be in his power to restrict the number of the divisions, would it not have been more to the purpose, and what the country requires. Instances could easily be found where a judge has been obliged to drive ten or twelve miles through bad roads to give judgment in a single cause, and that cause *confessed*.

The business transacted in the courts has for some years fallen off to a mere tithe of what it was when the divisions were set off; and as the law now stands it seems to require at least two-thirds of the magistracy of the county to drop any one division. Would not the matter be far better in the hands of the county judge, who can always from his position form a correct and unbiassed judgment? And no doubt, if the number of the divisions were reduced, the interest of the entire community would benefit.

As an instance of one-handed legislation, by another amendment it was enacted that

suitors are allowed to take their suit to any division nearest to the residence of the defendant, even though that should be in another county. The shrewd officers of another county might induce the judge of that county to remove the place of holding their court to the extreme limit of the county, which would have the effect of enlarging their territory one-fourth at least, as they are allowed to go half way to the place of holding the court in the adjoining county, and by this means deprive the officers of that county of what is their just due. I hope this may have the effect of calling out an expression of opinion from those most interested in the matter, for if a law operates injuriously, should we not seek to have it repealed.

Certainly, what with amendments, alterations, and extending of jurisdiction, the Division Courts Act is rather an enigma than otherwise to many of those who require to use it.

I am, Sir,

UTILE DULCI.

Co. of Brant, October 27, 1865.

[Though not agreeing with our correspondent in all his views, we commend his remarks to those to whom they refer. We have before now expressed an opinion that a multiplicity of divisions in a county are objectionable, and we hope that municipal councils will have the wisdom to leave the matter in the hands of the county judges. We cannot conceive that any judge would allow the representations of any officer to induce him to change the place of holding a court contrary to his better judgment. As to the last point we have great hopes that Mr. O'Brien's notes on the Division Courts Act and Rules, &c., now nearly ready for publication, will be of much use, especially to those who, like our correspondent, seem to be troubled by amendments, by bringing together in an intelligible manner the law respecting these courts.—Eps. L. C. G.]

APPOINTMENTS TO OFFICE.

NOTARIES PUBLIC.

JOHN TWIGG, Esq., and PATRICK JOSEPH BUCKLEY, Esq., LL.B., Attorney-at-Law, to be Notaries Public for Upper Canada. (Gazetted Nov. 18, 1865.)

TO CORRESPONDENTS.

"C."—"A SUBSCRIBER"—"CONSTABLE"—"UTILE DULCI"—Under "Correspondence."