

orders for stamps, and to hand them over as required and paid for, to clerks. The work to be done now certainly seems to us not one half what it was before, and yet there is one per cent. increase in their allowance. "But," say the County Attorneys, "we have to lie out of the money paid for stamps some time, and the per centage is little enough." Well, so have clerks of courts, and for a much longer time, for they must have on hand a stock of stamps sufficient to keep the business of the courts going on, and generally have to wait for the cost of stamps till judgment in a case is obtained. Now if we are rightly informed, County Attorneys are allowed a standing credit with the Government of from \$300 to \$500, but they will not give clerks credit nor allow them any percentage on the purchase of stamps in quantities. It will be wise for County Attorneys to reconsider their decision, if indeed it be correct that they have determined to act as stated, for the clerks are a large and influential body of men, and their clamor for justice will not be lightly esteemed. There is a certain story about a goose that laid golden eggs, and—*verbum sap.* However, we would be much pleased to see a proper understanding on the point between these officers, and at present do not desire to say anything more. County Attorneys are certainly not, we know, properly paid for their services generally; but in this particular matter justice calls for a fair allowance to Division Court clerks, who are the worst paid officials in the country.

SELECTIONS.

A MAGISTERIAL FOOTPAD.

A Continental paper relates the following curious incident:—One night last week, M. M—, a magistrate, when returning home through a dark and narrow street, came into violent contact with a passenger, who instantly made off with all speed. The judge immediately felt for his watch, and finding that it was not in his pocket, ran after the supposed robber and demanded its restitution. The man hesitated a moment, but at last handed him a watch. On arriving at home M. M—was astonished to see his own watch on a table. The next morning he went to the police office, related his adventure, and gave up the watch which he had so strangely obtained on the previous evening. The officer on duty then informed the magistrate that a person had just called to complain that he had been robbed of his watch in the street mentioned, and the fact was at once

ascertained that both the magistrate and the complainant had mistaken each other for robbers.—*Law Times.*

ODDS AND ENDS.—OLD LAW REPORTS.

Usley's case records an interesting fact in the history of—turkeys. Thus it runs:

"Trespas. Plaintiff declares that the defendant did break his close, and eat his grass, &c., *cum averiis suis, scilicet*, oxen, sheep, hogs, *avibus*, that is to say, turkeys." And the Judge in this case did not hold that turkeys are not comprised within the general word *averia*, which is an old law word, and these fowls came but lately into England. And upon this it was directed to cover the damages, for otherwise, if the damages shall be jointly given, and it be ill for this, because of the turkeys, for the reason above said, it will overthrow all the verdict."—*Clayton's Reports.*

THE LAW & PRACTICE OF THE DIVISION COURTS.

(Continued from page 318, Vol. X., U. C. L. J.)*

The requirements of the rule of practice in the Superior Courts as to the plea of "General issue by Statute," are not in terms incorporated with the procedure of the Division Courts, though section sixty-nine of the act ought to be adopted and applied in all such cases. The defendant in a Division Court, desiring to avail himself of a defence under a statute, must give a notice in writing six days before the trial (sec. 93,) and the general form (No. 9,) of "Notice of defence under Statute," evidently contemplates a description of the particular statute under which the defence is offered.

The principles of practice in the Superior Courts, applicable to actions in the Division Courts, would therefore demand that in pleading the general issue, or not guilty by statute, the year of the reign in which the act of parliament was passed, as well as the chapter and section of the act upon which the defendant relies, should be embodied in the notice or stated in the margin before the defendant could be allowed to avail himself of the privilege of giving *any* special matter in evidence in actions for *things done* under the Division Courts Act.

The words in section 194 are very general; the defendant "may give *any* special matter in evidence," under the plea of "not guilty by statute." When properly pleaded therefore, it lets in, not only defences peculiar to the

* By an error of the press on this page "126, sec. 13," is put for "126, sec. 11."