

GENERAL CORRESPONDENCE.

board under such contract, might recover, in the United States, double his stipulated wages, gold then being at a premium of 100 per cent.—*American Law Register.*

GENERAL CORRESPONDENCE.

Fi. Fa. lands from County Court on transcript from Division Court—Return of nulla bona.

TO THE EDITORS OF THE U. C. LAW JOURNAL.

GENTLEMEN,—The 252nd section of the Common Law Procedure Act contains these words: "Nor shall any execution issue against lands and tenements until the return of an execution against goods and chattels."

Under this provision if an execution is returned *nulla bona* in a Division Court, a transcript filed in the County Court, and a writ of *fi. fa.* against lands immediately issued thereon, without first issuing any *fi. fa.* goods out of such County Court, would the *fi. fa.* lands thus issued be valid?

An answer in your next issue with reference to any case in point would be of interest to many readers.

Yours truly,

A BARRISTER.

Kingston, January 2, 1866.

[We cannot think that an execution against goods need in such case be issued from the Court above before the issue of an execution against lands. The objection of the provision is to ensure the goods and chattels of the debtor being exhausted before recourse is had to his lands, and this end is attained by the execution from the Division Court. We are not at present aware of any case directly in point, but it was held in *Farr v. Robins*, 12 U. C. C. P. 35, that a transcript from a Division Court to a County Court should contain a statement that the *fi. fa.* goods had been issued and returned "in order to avoid any conflict with or departure from section 252 of ch. 22 of Con. Stat. U. C."—Eds. L. J.]

Alleged inefficiency and defects of Division Court system—Abrogation of—Suggestions as to collection of small debts—Credit system.

TO THE EDITORS OF THE LAW JOURNAL.

Lindsay, Jan. 30, 1866.

GENTLEMEN,—It appears that we are likely to have some legislation during the approaching

session of Parliament, as to our Division Courts; and the tendency or inclination of those who have so far moved in the matter in the way of introducing bills, seems to be towards enlargement and extension of the jurisdiction of the *present* Division Court.

In reference to the above I have some suggestions which I should like to have brought before our law-makers, and take the liberty of asking you to give them a place in the columns of your Journal.

I quite agree with those who are agitating for a change of the law in respect to these courts, "that some alteration is required," but I strongly disapprove of the extending of their jurisdiction. One strong objection to these courts, as at present constituted, is, to my mind, that their jurisdiction is *too extended already*. If we are to have them continue, then it would be much better to have their jurisdiction reduced or that some proper mode of allowing appeals from decisions given or pronounced should be introduced.

My theory involves no less than their entire *abolishment*.

Let the Division Courts be entirely abolished. Give the County Courts jurisdiction in all matters above \$40. There is now a remedy by which servants can in a summary manner recover before a magistrate their wages not exceeding \$40. Give to magistrates a similar jurisdiction, to try and dispose of in a summary manner all matters of tort which can, under the present law be tried and disposed of in the Division Court, subject to the same appeal as at present exists, in reference to their adjudication in matters of wages. This would provide us with a remedy for every class of debts and wrongs, except debts below \$40 not being for wages; and as to them it appears to me that it would be a great advantage to the country that, so far as possible, the present system of small credits should be put an end to, and the *cash* system introduced. I think that even though a change in the law, somewhat as above, might not work out absolutely so great a reformation, yet it would most undoubtedly have a strong tendency in that direction. It may be said that it would be unjust to deprive the honest man of the means of getting goods which his necessities may require by any change such as that suggested. I think no such effect would of necessity be produced. He now