

the attention of Division Court Clerks to the subject, as well as for their able and continuous efforts to effect an improvement in the law, to promote uniformity of procedure, and to inform and assist officers of the courts and the public resorting to them.

GEORGE McMANUS, *Chairman.*

JOHN F. DAVIES, *Secretary.*

Statement showing the Actual Working of all the Judgment Summons issued in the County of Simcoe, from the 31st day of December, A.D. 1857, to the 30th day of June, A.D. 1859.

Division Courts and Names of Clerks.	Number of Suits entered during the 18 months prior to the 30th June, A.D. 1859.	Total Amount of Claims.	Number of 1st Class Summons issued from 1st December, 1857, to 30th June, 1859.	Amount of Claims Involved in 1st Class Summons	Amount of Money Realized.	Number of Orders for Commitment for default in appearance, not applying means, fraud, &c. &c.	Number of actual commitments thereunder.	Number of days committed.
Thomas Lloyd,	1760	\$6727 60	167	\$6389 98	2000 26	36	3	12
John F. Davies,	1790	45637 00	115	3103 20	1338 25	28	2	11
Frederick S. Stephens,	1615	45065 60	108	2610 00	1320 00	34	1	20
Andrew Jardine,	1061	29341 60	88	3247 35	936 70	17	2	10
John Craig,	437	12680 50	20	1252 48	521 85	8	None.	None.
Adam Patterson,	449	10516 50	12	457 77	153 50	None.	None.	None.
John Little,	525	11673 40	None	None.	None.	None.	None.	None.
George McManus,	2121	66152 32	92	2938 32	1443 26	24	3	23
	10061	277314 52	602	29349 10	7735 82	142	11	76

Average amount realized 38 per cent. to date.

[We have very great satisfaction in publishing the above communication and statement.

It is just the thing required, and the facts it exhibits have been used in an article on another page.

It did not occur to us, or we should have suggested a general statement from each county, such as has been furnished by the officers of the courts in the County of Simcoe. It is obvious that information given in this condensed form, is more easily appreciated and likely to be read, than a number

of independent statements upon no uniform plan. If a similar one could be procured from every county in Upper Canada, it would furnish an array of facts sufficient to stop all cavil, and enable persons to form a correct judgment for themselves. There surely could be no great difficulty in having a meeting of clerks in each county, with a view to a uniform statement.

It appears that the clerks in the county of Simcoe intend to meet annually for the discussion of matters connected with their office—an admirable idea—one which, if acted on generally, would be followed by most beneficial results to the officers and to the public. It would be also an advanced step towards concert of action, and organized inter-communication. Let some leading officer in each county take the thing in hand. It would, if properly explained, meet universal favor.

We cannot make room now for notice of other topics discussed at the Barrie meeting, but will probably refer to them at length on a future occasion.

The representations and views of the Division Court clerks in the County of Simcoe are entitled to much weight; they are all gentlemen of superior intelligence and large experience.

We are obliged by their united expression in reference to the editors of this journal. Eps. L. J.]

U. C. REPORTS.

QUEEN'S BENCH.

Reported by CHRISTOPHER ROBINSON, Esq., Barrister-at-Law.

IN THE MATTER OF THE CORPORATION OF THE TOWNSHIP OF ASPHODEL, AND WILLIAM SARGANT, EDWARD PATTERSON, HUGH EWING, AND TIMOTHY MURPHY

Contested election—Delay in bringing the declaration—New election—Refusal to act—Mandamus—22 Vic., ch. 93 sec. 122, 124, 130, 181

Five township councillors were elected at the general election in January. At their first meeting on the 17th, only one met—the duration of qualification, and a doubt having been raised as to the other four in consequence of some employment held by them under the corporation, they delayed in order to consult the county judge. On the 19th they met again and organized themselves, but on the same day the Reeve for the previous year issued his warrant to elect four other councillors, who were returned, and on the 31st those four with the man who had first qualified, met and claimed to be the council.

Held that the second election was invalid, for the parties first elected not having refused to qualify, but only delayed, and having done so within the twenty days allowed, there was no ground for a new election.

A mandamus was ordered to the clerk to deliver up the papers to the council first chosen.

This was an application on the part of the corporation against four individuals, to shew by what authority they pretended to be the councillors of the township, and to exercise the powers of the corporation when the offices were full by the election of others at the general election in January last.

The facts were these: five councillors were elected at the general election in January and returned to serve for the year. At their first meeting on Monday, the 17th of January, they all appeared.

One of the five made and presented his declaration of qualification, and no question was raised with regard to his being properly a councillor for the township. With respect to the remaining four an objection was made—but how, or in what manner, and by whom or for what purpose did not clearly appear—that these four were disqualified to act as councillors in consequence of their being engaged during the year previous as commissioners for the expenditure of township moneys, for which services it seemed they had received some remuneration. The four persons delayed qualifying themselves on that day, in order that they might consult or have the opinion of the judge of the county court upon the subject. Nothing was done on the 17th of January, there being only one councillor who had qualified himself. It did not appear that any adjourned meeting was appointed, but the four on that day declined to qualify themselves. On the 19th of January a requisition was signed and presented to the person who had been Reeve of the township for the year 1858, requiring him to issue his warrant, and four others were under that authority elected and returned, and on the 31st of January the four new elected councillors, with the fifth who had been elected at the general election, met and organized themselves as the council of