

## EDITORIAL NOTES.

say that Mr. Sergeant Robinson should have had the seat vacated by Mr. Justice Keogh; and they insinuate what we should be much inclined to doubt, that Mr. Harrison's appointment was solely owing to his being allied by family ties to Lord Cairns. The appointment of Mr. Fitzgibbon is considered a very good one.

In the "Notes of Cases" in this issue will be found the decision in the Niagara Election Case, on the preliminary objection filed by the respondent denying the jurisdiction of the Court. A Rule of Court was passed by the Courts of Queen's Bench and Common Pleas shortly after this judgment was given, the Judges, doubtless, thinking that such a Rule would fortify the position taken by the majority of the Court of Common Pleas and subsequently followed by the Queen's Bench and accepted, so far as the point has come before them by the other Court of the Dominion. The question may eventually come up for further discussion, though the Judges have so far expressed their belief that there can be no appeal from the decision on the preliminary objection. The Rule of Court is as follows:—

"It is ordered by the Judges of the Courts of Queen's Bench and Common Pleas—by virtue of the statutory powers which they possess and exercise, and by virtue of the other powers and authority which the said Courts jointly or severally possess and exercise, to make rules and orders for the effectual execution of the Dominion Controverted Elections Act of 1874, and of any other Act of the Dominion Parliament, connected with or relating to controverted elections, or to corrupt or other illegal practices at such elections or at any prior election, or to enquiries which may be made into or in any way concerning the same—that the procedure in the said Acts, and in each of them respectively enacted and provided in the cases above mentioned, and in

each and every of them, shall be the course of procedure in such cases in these Courts in all respects as if the said procedure had been and was, as it now is, specially provided for, prescribed, and regulated by the said Courts, and by each of them, in the like manner and to the like tenor and effect as the said procedure in such cases is prescribed and enacted by the said respective Acts.—Mich. Term, Dec. 14, 1878."

We had occasion some time ago to call attention to a notice similar to the following, which has been used by a firm of country shopkeepers in the Town of Barrie for the purpose of collecting accounts. The document is as follows:—

"FINAL NOTICE,  
BEFORE PROCEEDING IN THE

DIVISION



COURT.

P. MARRIN & Co. vs. JAMES CRAWFORD.

TAKE NOTICE, that unless the sum of \$11.60 and cents, due from you to Plaintiffs, be paid within 10 days from the date hereof, you shall be proceeded against under the above Act; which enacts that, after ten free days, execution pass hereon for the said amount, by arresting and pointing, but with certification, that if the Defender agrees to pay by instalments, and he or she allow two instalments to run into the third unpaid, then, and in case, the indulgence of paying by instalments shall cease; and ordains execution to pass by the diligence aforesaid, for the whole sum decreed for and unpaid, in terms of the said Act of Parliament.

Dated at Barrie, this 8 day  
of November, in the year  
of our Lord, one Thousand  
and Eight Hundred and  
Seventy 8.

Expenses.		
Original debt .....	11	60
Interest .....	2	00
Cost of this application .....	1	00
Postage .....	0	00
Total .....	14	63

P.S.—If you prefer settling with P. Marrin & Co., before going into Court, bring this notice with you and leave all further costs."