

DIVISION COURT JURISDICTION.

not sell. The same goods were then seized for rent, and the bailiff, without notice to the plaintiff, withdrew, and in a few days under the sale for rent, more than enough to have satisfied the execution was realized. The Inspector's report shows that while in a certain Division Court claims to the amount of \$28,000 were placed in suit, only \$9,000 was paid into and out of Court. The records of the County Courts will show that in numerous instances suitors have held claims until the accrued interest would enable them to sue in those Courts.

Since the striking out of fictitious pleas, judgment may be obtained in the County Courts, when there is no defence, at least as speedily as in the Division Courts, and, owing to the more efficient machinery, usually with greater speed. A defendant was recently sued on the same day in the County Court and Division Court in the same city, and judgment was signed and execution issued in the County Court before he was even served in the Division Court.

The desire to furnish cheap law has already been pushed far enough, and, in the opinion of many, to the sacrifice of efficiency. The only dissatisfaction with the present administration of justice, if any exists, seems to be with the Division Courts. The strongest desire, however, is to grow a little more familiar with what we have. If the administration of justice is efficient, it ever has been, and ever must be, attended with expense. It would be as wise to have a cheap judiciary and cheap officers of Courts as to have the action itself framed and conducted by unpaid, and, as a consequence, unskilful hands.

2. To what extent would you advise the increase?

Answered above.

3. To what class of cases should it apply?

Answered above.

4. Besides an increase to the absolute jurisdiction, would it be expedient to give to parties an option to have cases of still larger amount (and whether or no without any limit) tried in the Division Courts where both parties concur?

This also is answered above, and we would merely add that the County Court affords at present all the facilities desired.

5. I should be glad if you would note what, from your experience, you regard as the probable advantages and inconveniences respectively of the increase proposed or recommended.

Answered above.

6. I desire also suggestions as to other amendments, which it would be necessary or proper to make as incident to the change: for example, as to additional security by officers, writ of arrest, &c.

As we are opposed to any change, we have not considered any incidental amendments.

7. Should there be an appeal in the new cases in which jurisdiction would be given?

Should there be any increase in jurisdiction, we are strongly of the opinion that there should be an appeal.

8. I find that some are for abolishing all jurisdiction to recover very small sums. Has your experience led you to form any opinion upon this point?

Our experience is that while Division Courts exist their jurisdiction in small sums should be undisturbed.

9. In case the subject of increasing the jurisdiction of the Division Courts is dealt with next session, I should be glad to consider any other amendments in the Division Court Act which it may be proper to introduce at the same time.

We are of the opinion that the parties to suits should be permitted to serve summonses, as in the other Courts, if they desire, and save the expense of service by an officer. We are also of opinion that the Judge should have power to make an order for payment, or in default commitment, upon the return of the first citation summons. We are further of the opinion that the plaintiff should have power to lay the venue in any Division Court in the County where the defendant resides or the cause of action arose, and the defendant be at liberty to move to change it on the ground of greater convenience.

10. The increase of jurisdiction may materially effect the emoluments of Sheriffs