

it be made a misdemeanour to assume the title or qualification of a medical man, unless authorised by the diploma of some recognised or legalised body or institution; then appoint a public officer bound to institute legal proceedings against all persons who violate the law in this respect, on a proper *prima facie* case being shown; next prohibit any man from practising medicine in any place until his diplomas have been submitted to some magistrate, and a proper opportunity afforded for any person who may be so minded to test their genuineness. Let the presentation of a false diploma be declared a misdemeanour, and power of summary conviction (subject to the right of appeal) given to the magistrates; next the magistrates should be invested with power to close those museums that disgrace our leading thoroughfares, wherever found, and the provisions of Lord Campbell's Act should be extended to the circulation of those filthy publications.

This latter is, perhaps, the most difficult branch of the subject, because it may fairly be said, where is the line to be drawn between a scientific and a filthy publication. Many duly-qualified practitioners devote themselves to the treatment of what are called "secret diseases," and write skilful treatises upon the subject. This is unquestionably so, and, while there is no necessity for the public to read these books, it is as absolutely necessary that the profession should be in possession of them as of any other medical works. They must therefore be advertised in the usual style in which other learned books are offered to the profession, but not otherwise; and it may well be confided to the authorised tribunals to deal with the authors of such works, and to say, under all the circumstances of each case, whether the advertisement was or not a legitimate one, and, if not, then to treat it as a misdemeanour.

It is not necessary here to enter into the details by means of which these provisions might be carried out, as they will easily suggest themselves to every experienced draftsman. Let the principle but be admitted that the men are public nuisances, as deserving of being stopped as unqualified solicitors or unauthorised brokers, and that the publications are an offence against public decency, and the rest will follow upon well-established precedents, almost without the necessity of consideration.—*Solicitor's Journal*.

THE LAW & PRACTICE OF THE DIVISION COURTS.

(Continued from page 55.)

The general provision contained in section 71, as to where suits may be entered and tried, may be departed from in certain cases, by leave of the judge, under section 72. The object of the enactment is shewn in the preamble to the clause (one of the few preambles

retained in consolidating the statutes of Upper Canada). It is as follows: "The places fixed for holding the sittings of the courts, and the offices of the clerks thereof, being in some instances situated at an inconvenient distance from the place of residence of certain parties residing in such divisions, while a court is held in an adjacent division, in the same or in an adjoining county more convenient for such parties, and it being desirable that procedure in the Division Courts should be made easy and inexpensive to suitors."

It is then enacted that in case any person desires to bring an action in a Division Court other than that in which the cause of action has arisen, or in which the defendant resides, any judge may authorize by special order a suit to be entered and tried in the court of any division *in his county* adjacent to the division in which the defendants or any one of the defendants resides, whether such defendant or defendants reside in the county of the judge granting the order or in an adjoining county.

The 20th general rule of practice provides that the proper leave may at any time be procured on production of an affidavit to the effect of the form given in schedule to rules 1 and 2, or upon oath to the same effect, at any sittings of the court in which the action is brought; and that no written order for such leave shall be necessary, but that the insertion of the words, "issued by leave of the judge," in the summons, shall be sufficient.

The recent enactment of 27 & 28 Vic. cap. 27, has, to a great extent, left the provisions of section 72 of little practical value; but there are yet cases not covered by that act, in which section 72 may be brought into play, with a view to convenience and economy in procedure.

The statute 27 & 28 Vic. cap. 27, has greatly modified the general enactment as to venue (sec. 71). It is very general in its character, making contiguity to the place where the court is held the rule as to in what court the defendant may be called on to answer a claim.

The object of the act, declared in the preamble, is to lessen the expense of proceedings, and to provide as far as may be for the convenience of parties having business in the Division Courts. This act is, by section 3, incorporated with the Division Court Act, and a place assigned to its clauses: they are to be inserted next after section 71 of the act, and