

DIVISION COURTS.

OFFICERS AND SUITORS.

A Word to New and Old Subscribers.

In consequence of the accession of new subscribers to the *Law Journal*, it seems necessary to reiterate the object and scope of this division of the Editorial department. Under the above heading there is set down from time to time matters having reference to Clerks and Bailiffs—also, information for persons suing and being sued in the Division Courts, with a view of making the *Law Journal* practically useful to all.

The officers of these Courts have varied and responsible duties to perform—duties growing in importance yearly: they are often so situated that it is impossible for them to procure advice on an emergency, and consequently they are usually compelled to act on their own unaided judgments.

To assist that important and numerous body has been our constant aim from the first, and the many testimonies we have received assure us these labors have been appreciated.

Our continued and best efforts will be still at the disposal of our friends.

While on the subject we have to express our regret that comparatively few decided cases have been forwarded to us from the Division Courts, (from some counties we have received none at all) and that officers having large Courts and large experience have given little aid to render this department more extensively useful, which they might do by a regular correspondence. We would again urge upon officers to forward to us every decision of importance in their Courts which has been committed to writing—and from those who are capable of preparing them, notes of important *viva voce* decisions of the Judges. From all we should be glad to receive communications, which shall be answered by ourselves or placed in the *Journal* to be answered by officers of experience.

In all these particulars officers should take some trouble to add to the usefulness of columns devoted entirely to them. We would also say that some additional exertion on their part to promote the circulation of the *Journal*, is due to us. Officers who have not yet taken the *Journal* we must suppose are careless about informing themselves; for now at least, and we speak with knowledge, they can all afford to take the *Journal*.

With regard to suitors we can only repeat that if they wish to use the Law Courts with advantage, they must in some way inform themselves, or they will stand a chance of suffering in pocket. Many raise a cry against the Law and its ministers when they have only themselves to blame. The *Law*

Journal has already saved the public much in time and money by affording them plain information respecting their rights, and how they are best secured.

In fine, we would remark that in this department, as heretofore, all technicality will be avoided, so far as is possible, and plain familiar language will be employed. Thoroughly acquainted with the class for whom we write, and occasionally in direct connection with them, we shall speak in the way our experience suggests, as being most likely to assist, and to save time and money to officers and suitors.

The addition to the editorial staff will in no way affect this department. The writer will continue, as heretofore, to “cater” for Division Court supporters, and the past must be his guarantee for the future.

CLERKS.

Court Books and Contingent Expenses.

In the June number we offered some remarks respecting the protection of Court books and Court papers in the offices of the Division Court Clerks in Upper Canada. We then asked for information from officers, which up to this time has not been responded to. We must have data, reliable data, to strengthen our position, and we have appealed to those who ought on every account to furnish it. Our present intention is to wait till September before we return to the subject, and we trust in the mean time to have abundant material laid before us.

We have now to speak of what concerns Clerks directly, and incidentally the suitors of the Courts. In every Court a number of books are required to be kept according to a given form—namely, a Procedure book, Cash book, Fee Fund book, and other books necessary to correctness and safety in the business of the Court. These books, are very expensive, particularly the Procedure book, requiring to be in part printed and strongly bound in order to preserve it, containing as it does the whole history of every case entered in the Court, and constituting the sole record of its judgments. The Fee Fund book is the only book provided by the Government. We are not aware whether any application has been made to the Inspector-General's department, in order to ascertain whether the payments for other books would be allowed for as disbursements on account of the Court; but if there be any discretion, we certainly think they ought to be paid for.

Now Clerks are paid by fees for services rendered, but they receive nothing from suitors to compensate them for these books, and as they are not the property of the Clerks they should certainly be provided for them either by fees from suitors or by the Government—we think by the latter. Our present