

at 8 p.m., and another summons which required appearance on the next following day on which the summons was issued; and when objection was made to the exceedingly short notice, he was answered that from morning, 9 o'clock (the time summons was served), till afternoon, 3 o'clock, was a reasonable time.

"2. And upon *due proof* of the cause of complaint the Justice or Justices may discharge such labourer or servant from the service or employment of such master, and may direct the payment to him of any wages found to be due, not exceeding the sum of forty dollars."

Pray, what is meant by *due proof*?

In a certain suit of that nature, the complaint was for non-payment of wages. The wages amounted to a large sum, but by numerous payments had been reduced to a trifle below \$40. The complainant appeared with an attorney, the defendant did not appear personally but by his attorney. The Justice of the Peace allowed the complainant to swear to the contract, the amount of wages, the amount of monies received on account thereof, and balance due; and ruled that this was sufficient evidence of the claims sought to be recovered, though the complainant's evidence was objected to by the defendant's attorney, who expressed his views to the effect that the rules observed in the Division Courts and Superior Courts should also guide Justices of the Peace, who should therefore require further and other evidence in claims over eight dollars, than that of the complainant or plaintiff, though the act above cited is silent on that subject.

"3. And may direct the payment to him (the servant or labourer), of any wages found to be due, not exceeding the sum of *forty dollars*."

May a Justice of the Peace adjudicate upon any unsettled account for wages whatever the amount may be, provided the *balance obtained does not exceed forty dollars*?

Some cases have been brought before a single Justice of the Peace, when the account of wages charged was for a long period, amounting to a large sum, but by a great number of credits had been received to less than \$40.

If this is the meaning of the above cited Act, a Justice of the Peace has greater jurisdiction in matters of contract, than a Division Court Judge, or even the County Court; for the wages may amount to \$1000, and if only the payments received amount to \$960, the Justice of the Peace will be authorized to adjudicate upon the case.

Had the Act (29 Vic. cap. 33) which amends the Master and Servant Act, also embraced a definition on the above questions, it would, no doubt, have tended to a more uniform mode of procedure.

Respectfully yours,

OTTO KLOTZ.

Preston, 6th Nov. 1869.

[We are glad to hear again from our old friend, Mr. Klotz. We cannot in this issue do more than merely publish his letter. Perhaps some of our correspondents would like to discuss the points raised, if so we will find room for them.—Eds. L. C. G.]

Division Courts—Duty of Clerks as to affixing Stamps.

TO THE EDITORS OF THE LOCAL COURTS' GAZETTE.

SIRS,—I find that some Division Court Clerks do not put on the stamps for hearing and order, in entering judgment on specially endorsed summonses. As an old and steady supporter of your Journal, I hope to obtain your opinion as to what is the proper practice.

Yours, A. B.

[There can be no question that the stamps for hearing and order should in all cases be put on and cancelled when the judgment is entered by the Clerk. The judgment entered without such stamps would not be good, and the clerk would be liable for penalties under the Act. The Board of County Judges in illustrating the way in which a bill of costs should be made out, took as an example a case "upon special summons to judgment entered," and under "Fee Fund" the hearing and order are shown. (See Form 14.)

By the new rule the judgment entered must be exhibited to the judge to enable him to see that the proper stamps are put on; and any clerk failing in his duty herein would certainly come to grief at the hands of the judge, even if he escaped the penalties under the Act.—Eds. L. C. G.]

REVIEWS.

THE REAL PROPERTY STATUTES OF ONTARIO, WITH REMARKS AND CASES. By Alexander Leith, of Toronto, Barrister-at-Law: Henry Rowsell, King Street, Toronto, 1869.—Vol. I.

If any professional man in good practice in Ontario were asked what new books he would like to see within his easy reach, he would probably say a collection of the Real Pro-