Victoria Insurance Company v. *Bethune*, ib. 569, cannot be any longer supported. Nor can the case of *Kennedy* v. *Bown*, 21 Gr. 95, be considered as an authority, especially when taken in connection with the reasoning in *Falls* v. *Powell*, 20 Gr. 461.

The Court of Appeal further hold that after judgment is recovered at law, it is optional with the plaintiff, who seeks equitable execution or the like, to proceed summarily in the action, or to file a bill in equity as aforetime. This strikes at the authority of *Knox* v. *Travers*, 23 Gr. 91, and renders *Sawyers* v. *Linton*, ib. 43, an unnecessary, as it has always been an unsatisfactory, decision.

We are satisfied that the Court of Appeal have given the true interpretation to this much canvassed statute. By making the Act permissive, the Court do not give license to additional litigation, but only sanction it where it is more convenient that the equitable rights of the parties should be determined by plenary suit in Chancery, than by comprehending them in a suit at law. There is always the power to punish the unnecessary commencement of a suit by the provisions of the 48th section, whereby costs may be diminished to the quantum allowed in the least expensive forum, and a set off may be directed of the additional costs incurred by the adversary.

As we understand the judgment of the Court of Appeal, that Court is disposed to limit the rights to add third persons as parties to cases where these strangers are interested in the questions arising in the suit between the parties thereto. But the section of the statute relating to this matter (sec. 8) is not very fully or explicitly dealt with. Questions of serious difficulty arise as to the scope of the language used; and the decisions in England upon analogous provisions of the Judicature Act are remarkable for the divergence of judicial opinion presented therein.

DIVISION COURTS.

There has lately been sent to us a report of the Inspector of the Division Courts in Ontario, laid before the Local Legislature last session. Though rather late in coming to hand, we purpose noticing a few of the items of interest to the general reader to be found in it.

The chief information it gives is that shewing the amount of business done in the Division Courts of this Province for six months of the year past, commencing 1st of May. A table shews the number of suits entered during that period in each County (with the exception of a few Courts from which no returns had been received), and the amount of claims involved in these suits.

By taking the average to supply the missing returns, we are able to arrive at a fair estimate of the year's work in these Courts. To do this, however, we have to double the figures given for the six months, and as those six months are the Summer ones, it will be evident that our estimate must be, if anything, below the mark, inasmuch as more work is done in those Courts, as in all others, during the Winter months.

A few words, to premise, before we come to figures: The number of Counties and united Counties in Ontario is 36, exclusive of Districts, which do not enter into the present calculation. The number of Division Courts in these 36 Counties is 270; or, an average of nearly 8 to each County. The actual number in each County varies from four to twelve (the highest number allowed by the Act). In seventeen Counties the number of Courts is above the average, in the remaining nineteen, the number is below the average. In five Counties only is the full number of twelve established.

Taking now the figures in Mr. Dickey's report, and allowing for the Courts from which no returns have been obtained, we