outside of Toronto. We refer to the clauses giving new and additional powers to County Judges to be exercised *in their several localities.*

We have received from a valued correspondent the subjoined remarks on the proposed Bill, in some of which we heartily concur, aud all of which are entitled to consideration by the Legislature :—

Sections 7, 9, &c. These claims as to jurisdiction do not seem to be wide enough, being in effect limited to the jurisdiction, authority and power now exercised in pursuance of any "statute or law," and again "by any statute." Without going into a historical dissertation on the subject, it is clear that some considerable powers and functions of judges (such as the power of committing for contempt of Court) cannot be traced back to any statute, and can hardly be considered as powers given by the Common Law, but have sprung from the unwritten practice of the courts themselves. General words should be introduced to cover such powers.

Section 14. Appeals as to costs. This should be expressed to be subject to the terms of order L. which introduces exceptions to the general rule. The section is inartistically worded, and does not cover the case of an order which deals *not with costs only*, but with other matters, although an appeal might be attempted against that part only which related to costs.

Section 18, sub-section 4, appears to confer upon a defendant the right of claiming an equitable set-off concerning matters disconnected with the plaintiff's cause of action. The policy of this appears very doubtful, as it would encumber the pleadings and give many facilities to a defendant in delaying his creditor.

Section 19, sub-sec. 5. The construction of this sub-section appears to be awkward. To whom is the notice referred to, to be given—to the mortgagor, or to the tenants, or both?

Section 19, sub-sec. 6. Could not this clause be extended so as to embrace the case of a policy of insurance settled on the insured's wife or children under the Ontario statute? Cases in which such statutory settlement is disputed by an assignee in insolvency are of not infrequent occurrence.

Section 19, sub-sec. 10. The word "generally" is ambiguous; "lastly" would be preferable.

Section 21. Is this section intended to empower the courts to sit outside the Province? I presume not, and it should be so expressed.

Section 24. Are no qualifications to be named for the persons who may be appointed to act on commissions of assize?

Section 34. Is it intended to perpetuate the varying "course and practice" of the different Divisions in matters of appeals from orders made by a single judge? Surely if this amalgamation is to be more than a mere form. This is one of the points on which the practice may be made uniform.

Section 54, sub-sec. 3. The dual power given to the Lieutenant-Governor in Council and the Judges appears objectionable. The profession would be better satisfied, I think, if the power were left to the Judges alone.

Sections 58 & 59. What is to be the practice as to appeals from the decisions of County Court Judges acting as Official Referees? Section 58 says they shall be subject to appeal *as heretofore*, but the office now created is a new one.

Section 61, sub-sec. 2. For "penalty" (last word in sub-section) read "penalties."

Section 75, sub-sec. 2. What is the meaning of the words "not exceeding two-thirds of the *said sum.*" If $1000 is meant by the expression "said sum," why not say, "not exceeding $666"?

Order VI. Rule 1. (p. 42). Surely this should read that service is not to be required where a solicitor agrees to accept service and *undertakes* to enter an appearance. It would appear from order VIII, Rule 11, that a breach of such an undertaking is to be punished by attachment. The present chancery practice of noting bill pro confesso is far more effectual and satisfactory.

Ib. Rule 2.—"*Wherever it is practicable*"—This is a most objectionable criterion and one which is sure to cause much trouble to the Courts in interpreting and applying it.

Ib. Rule 4. (p. 43), Is the necessity for taking out an order appointing a guardian ad litem to infant defendants done away with? It is presumed so from Order IX. Rule 2. (p. 48),—as to which rule the remark suggests itself, what is to happen if an appearance *has* been entered for an infant defendant by some other than the official guardian? Are the infant's interests to