

DIARY FOR SEPTEMBER.

2. Wed... Last day for notice of re-hearing.
6. SUN. 13th Sunday after Trinity.
7. Mon... Recorder's Court sits.
8. Tues... Quarter Sessions and County Court sits in each County.
10. Thurs Re-hearing Term commences.
13. SUN. 14th Sunday after Trinity.
20. SUN. 15th Sunday after Trinity.
27. SUN. 16th Sunday after Trinity.
29. Tues... St. Michael.
30. Wed... Appeals from Chancery Chambers.

The Local Courts'

AND

MUNICIPAL GAZETTE.

SEPTEMBER, 1868.

AMENDMENT TO THE DIVISION COURT LAW.

We are informed that the Attorney General has called upon the County Judges for suggestions in reference to amendments to the Division Court law. This gives clear indication of intended legislation, and under the right sanction, that of the Attorney General of the Province.

In all matters relating to the administration of Justice in England the law officers of the Crown assume the responsibility of measures introduced in the House of Commons, and the bill, if not actually prepared by them, has their approval and sanction, and is submitted under their auspices. So it has been with legislation in Canada, and from the course taken last session by the Premier, and the information he has called for, we doubt not the wholesome rule will be followed in the legislation of Ontario.

It is only those who are familiar with the administration of justice that can estimate the evils which spring from crude or party legislation, particularly in reference to the inferior courts—how extremely difficult it is in these courts, and by people that are not lawyers, that is to say, for suitors to get accustomed to any change in the laws, or to adapt their business transactions to it. And we are strongly of opinion that the sooner it is understood that legislation on such subjects is to be under the sanction of the Attorney General the better will it be for that portion of the business community, whose outstanding debts and claims must be collected by means of the Division Courts.

There is, of course, a natural desire with members of the legislature to have their names connected with statutes for the improvement of the law, but a little reflection will shew that it would be unwise and unsafe to relieve the law officers of the Crown of responsibility on this head. What we have said in reference to the small concerns of the Division Courts is *but a branch of the wise rule* which covers the whole ground of procedure in all the courts of civil jurisdiction, as to which legislation should not be undertaken on the individual responsibility of private members—unless indeed they have lost all confidence in the government for the time-being, and have become antagonistic to them. Upon this subject, the amendment of the Division Court law, there will be a peculiar fitness in the present Attorney General, Mr. Macdonald, dealing with it, for he materially assisted in developing the germ of the Division Courts into the present form and shape under which they have for many years worked so satisfactorily.

There is not in our judgment, and we have excellent means of collecting the opinions of those for whose benefit the courts were designed, any necessity whatever for organic changes in the present system; changes of a radical character we know have been proposed, plausible enough in theory, but which would destroy the value of the courts for debt collecting purposes, and would certainly meet no favor at the hands of those who are practically acquainted with the working of the Division Courts.

The amendments required are somewhat numerous, but almost wholly refer to matters of detail, and desirable, with a view to impart to the courts greater efficiency in securing the fruit of judgment recovered, the lessening of expenses, and facilitating remedies against officers who fail in prompt and proper discharge of the duties incumbent upon them. Much of this could be done by rules, but there are points that require legislation, *e. g.*, in reference to interpleaders—garnishment—testimony of witnesses out of the jurisdiction—the relaxation of the rule requiring strict personal service—giving a jurisdiction “by consent”—the just remuneration of officers, as well as legal practitioners in certain cases—the renewal of process, &c. &c.

No doubt the judges will all submit their views to the Attorney General, and it is to