ported in 8 P. R. 374. Two points came up for decision. The first was:—Does sec. 14 of 43 Vict., c. 8, which requires that where a defendant, primary debtor or garnishee intends to contest the jurisdiction of any Division Court, he is to give a notice to that effect to the clerk of the Court within a certain number of days after the service of the summons on him,—relate merely to cases where the cause of action being within Division Court jurisdiction, the suit is brought in the wrong Court,—or is it intended to apply to all cases where jurisdiction is disputed? Cameron J. decided in favour of the restricted interpretation, and the full Court now upholds his decision on this point; holding, (per Osler, J., p. 3):—"The notice mentioned in this section is only required when a suit otherwise of the proper competence of the Division Court has been brought in the wrong division, and the section does not operate to give jurisdiction in default of notice as to causes of action over which the Division Courts Act expressly enacts, those Courts shall not have any jurisdiction."

Differing opinions on this subject were expressed by the authors of the two works we have on Division Court law. Mr. Sinclair laid it down if no notice given that "the parties may be said to have tacitly agreed that, whether the matter is beyond the jurisdiction or not, they are willing, for reasons best known to themselves, to have it disposed of in the Division Courts." Mr. O'Brien, on the other hand, interpreted the section as referring not to *amount*, which was definitely limited by other sections nor to other matters wherein no jurisdiction was otherwise given, but merely to *locality*. The Court has arrived at the same conclusion.

The second point was as follows:—Can a primary creditor garnish part of a debt due by a third person to the primary debtor for which, as between the primary debtor and the garnishee, a suit could not be maintained in the Division Court by reason of the amount being in excess of the jurisdiction? Cameron, J., held he could not, but the full Court have reversed his decision on this point. The former grounded his decision on sec. 136 of the Division Courts Act (R. S. O., c. 47), which enables the primary debtor, garnishee, and other parties interested to set up *any defence*, as between the primary creditor and the primary debtor, or as between the garnishee and the primary debtor, which the latter would be entitled to set up in an ordinary suit; and held that want of jurisdiction is a defence open to the garnishee, and that as a result of such a defence being allowed, the jurisdiction of Division Courts in proceedings to attach or garnish debts is limited to debts within the proper competence of such Court to try. The full Court, however, observed (per Osler, J., p. 4,) that if the objection, thus upheld in Chambers, was well founded, it was singular that the question did not appear to have before arisen, and they held that it is not necessary or consistent with the other provisions of the Act to give so wide a meaning to sec. 136 as that given by Cameron, J. "The defences," (per Osler, J.,) "which the garnishee and other parties are permitted to set up are defences either to the claim of the primary debtor or the debt sought to be attached. . . . . An objection to the jurisdiction is not a defence to the claim, but to the competency of the Court." And after a review of the various sections of the Division Courts Act applicable to the question raised, they held in the words of Wilson, C. J., p. 9. "The whole scope and scheme of the Act are, to leave the Judge, in case of garnishment, unfettered in his action in dealing with the debts of the primary debtor for the purpose of satisfying the claims of the primary creditor, because the Judge is only to take out of the debt which the garnishee may owe as much as will pay the primary creditor his demand, which must be one within the competence of the Division Court." The same view was expressed by Mr. O'Brien in his Manual for 1879, at p. 111.