

DIVISION COURTS.

OFFICERS AND SUITORS.

CLERKS.—Something has been done towards improving the remuneration to Clerks, but they are still, we contend, miserably paid; not, perhaps, that the fees are much under the mark in cases which are provided for, but there many duties to be performed for which no payment or fee is allowed. It may be that Clerks in the populous Divisions, where there is a very large business done, receive on the whole something like a fair return; but look to the labour a large business brings, and look, above all, to the heavy responsibility, pecuniary and otherwise, that the officer is under. In the smaller Divisions, Clerks are not half paid, and unless their position is properly known, nothing will be done for their relief.

We maintain that Clerks should be paid out of the fee fund for every service connected therewith, and for every service not properly chargeable against parties, and that the disbursements for printing and stationery for the benefit of the fee fund, should not come out of the pockets of private individuals.

How, we are asked, are Clerks to make their position known with a view to relief? Let a joint representation be made in the proper quarter—if deemed advisable—but let every Clerk take this independent course also. Let him *claim* the attention of his representative in Parliament, and for half an hour exhibit his books and accounts, and, in a word, prove to him by tangible evidences the amount of unpaid labour performed, and then, when the question comes up in Parliament, he will have gained information to enable him to act at once in favour of Clerks, for we are very much mistaken if any sensible man of business could not be thoroughly convinced in half an hour that Division Court Clerks are not paid in proportion to the labour and responsibility of the office.

In asking the attention of the Member for the locality, Clerks will not be soliciting a *favour*.—They are rather conferring one, by placing the M.P. in possession of facts which call for action on a principle of common justice by which Members should be guided in the performance of their legislative duties.

Men occupying the arduous and responsible position of Clerks, with thousands of pounds in money, public and private, passing through their hands—men of education and ability, should be paid somewhat better than messengers and runners in the public service, and we believe that, with few exceptions, they are not as well paid.

SUITORS.

Evidence—Sale of goods supplied to third party, &c.—Where goods are supplied to a third person at the defendant's request, not merely must the delivery of the goods be shown, but the request must be clearly proved to entitle the plaintiff to a verdict, or circumstances must be shown from which a request may be inferred.

A master is liable for goods sold to his servant within the scope of his employment, and a request will be implied. Thus, if a servant has been permitted by his master to purchase goods on credit, the latter is answerable even for goods bought by that servant without his master's particular authority; but a master is not responsible for goods ordered by his servant in his name, but without his authority, unless he was in the habit of paying for goods so ordered; if in one instance the master has employed the servant to buy on credit, he will be liable for any goods which the servant subsequently buys on credit until the credit is distinctly withdrawn; though he has given the servant money to pay for the goods in some instances. Whether the servant is invested with a special or general authority, the master is not bound, if the servant's act or contract do not fall within the general province or scope of his powers, and be wholly unconnected with the business entrusted to his direction; a domestic servant, therefore, could not bind his master by purchasing goods unconnected with domestic use, if not in fact authorized to do so.

Contracts with Corporations.—The contracts of Corporations, School Trustees, Township Councils, &c., must in general be under Corporate Seal; but for general purposes not affecting the interests or title of the Corporation, a Corporation may act through the medium of a servant or agent, although he possesses no authority under seal. And when goods, for example, are sold and delivered, or where the acts done are of daily necessity to the Corporation or are too insignificant to be worth the trouble of affixing the Corporate Seal, no seal is necessary.

Delivery to a Wife.—Generally speaking, proof of the order by and delivery of goods to a wife, *if living with her husband*, will support an action against the husband for the price. The liability of a husband for his wife's engagements during marriage rests solely on the idea that they were formed by his authority, and if his assent do not appear by express evidence or by proof of circumstances from which it may be reasonably inferred he is not liable.

Cohabitation is strong presumptive evidence of the husband's assent to agreement made by the wife.