vision for the support of the infant while it was in the custody of her mother, and had never intended to create a new liabiliy in the father for necessaries supplied to his children.

CORRESPONDENCE.

The Statute of Limitation as applied to Division Court Process.

To the Editors of the Local Courts' Gazette.

Messrs Editors,—You would oblige me and many of your readers by giving your opinion on a question relating to the application of the Statute of Limitations to Division Court suits under certain circumstances. The question is one that has arisen recently in Recorder Duggan's Court in Toronto and has doubtless arisen in many other Courts. It is this:—A has a claim against B, due in 1861. He sues it in 1862, but the summons is not served. He takes out another summons in 1863 and tries to serve it, but cannot do so. B leaves Canada in 1863, and goes to the United States—but returns in 1867. A then goes to the clerk and continues his efforts to serve him, taking out another summons, in the same suit, and gets B served for trial in 1867. Now you will perceive that there is a hiatus or gap of say four years, when A did nothing in the suit because B was in foreign parts. It would have been useless for him to have done so until B's return.

The question is, can A avail himself of his summonses issued in 1862 and in 1863 to stop —or to defeat a plea of the Statute of Limitations, pleaded in 1867, by B to A's claim? In Toronto the Division Courts are held twenty-four times in the year, and in other places they are held, sometimes monthly, sometimes every two months. Again is there any reason why the old doctrine of continuances, that is, a constant issue of process, the one linked into the other down to the last summons issued, and reaching back to the first summons issued before the claim was barred by the Statute, should be applied to Division Court suits? My opinion is that it should not. Suppose summonses were issued in this way in Toronto from Court to Court, for four years on a claim of $100. We would have ninety-six summonses issued to connect that of 1863 with that of 1867: or, if the Court were held six times in a year we would have 24 summonses. In the first case the costs could not be less than $200—in the last over $50. My idea is that if the plaintiff makes use of reasonable efforts to serve the defendant—sues him—enters his suit, but fails to serve him—that is a commencement of the suit, which if pursued within six years ought to stop the effect of the Statute.

The old doctrine of continuances applied to Courts of Record I think does not apply to Courts not of Record.

Then, process issued from term to term—now it issues every six months. Continuances are abolished in Canada in Courts of Record, but the summons should no doubt in Courts of Record be issued and reissued or continued regularly every six months. I cannot see any necessity for this in Division Courts, where the action is once honestly commenced, and not abandoned, but only left in abeyance because the defendant has left the country, provided it is acted on within six years. What is your opinion Messrs. Editors?

The late Judge Harrison, I know, acted on the view I have taken.

"Scarboro."

Toronto, 12th Sept. 1868.

[We shall endeavour to discuss the subject of this letter next number. The view taken by our correspondent seems a reasonable one. —Eds. L. C. G.]

A Master's Right to order a Servant to go to Bed.—A singular case came before the County Court judge at Guildford (Mr. Stonor.) *Wheatly* v. *White*, was a claim of 16*s*. 8*d*. in lieu of notice. The defendant is the landlord of the Talbot Inn at Ripely. The plaintiff said she was in the service of the defendant, who had dismissed her without giving her any notice. The cause of her dismissal was that the defendant came down into the kitchen one night and told her to go to bed at a quarter to 10 o'clock. She refused to do so, as they never went to bed till half-past 10. On the following morning he threatened to kick her out of the house if she did not go. The Judge.—I think your master was quite justified in dismissing you. When your master told you to go to bed it was your duty to do so, and as you did not obey his reasonable commands, he was quite justified in dismissing you. I shall find a verdict for defendant.—*Law Times.*

One of the best "legal" puns on record is unanimously tributed by the gossipers of Westminster Hall to Lord Chelmsford. As Sir Frederick Thesiger he was engaged in the conduct of a cause, and objected to the irregularity of a learnd serjeant who in examining his witnesses repeatedly put leading questions. "I have a right, maintained the serjeant, doggedly, "to *deal* with my witnesses as I please. "To that I offer no objection," retorted Sir Frederick; "you may *deal* as you like, but you shan't *lead*."—*Jeafferson.*