

diminished within the past few years, they are still an important institution in our Province, and should be made as efficient as possible.

The experience of your correspondent appears to be large. Although the yearly number received in my Division falls very far short of his quotation, yet, as my practice extends over a period of ten years, I necessarily have had a considerable number of transcripts passing through my hands, and the result is, that, in no single instance during that period has the "letter of the law" in such cases, been complied with. For instance, not in one case has the certificate of the judge, in whose county the judgment had been obtained, been attached to the transcript, neither have I obtained that of my County Judge on those so received, to authorize me to issue execution thereon; and I must say too, with all due deference, that I think my practice, being more simple, is preferable—the obtaining of the judge's certificate seems to me almost a work of supererogation, necessitating too, as it would in some cases, a delay of perhaps a week or two; some divisions being distant from the county town, rendering access to the judge and the procuring of his certificate a work of time, perhaps to the detriment of suitors; and, for all purposes of authenticity, the clerk's certificate under seal of the court, ought to be sufficient.

"C." also gives us his opinion as to the connection of clerks with suits where a transcript has been sent to a foreign division. He holds that the connection of the transmitting clerk with such suit then ceases. I am not prepared to say that he is wrong in taking that view—he may be perfectly correct; but, the fact that difference of opinion does exist, shews the desirability of discussing the point, that unity of action may be brought about; for, as Sir Roger de Coverley might have said under similar circumstances, "much may be said on both sides." My practice is different. I always make my return to the clerk from whom I receive a transcript, and expect a return to me from the clerk to whom I transmit, thus going on the principle that my connection with a suit entered in my division does not cease on forwarding the transcript.

I am inclined to think, too, that, by such a course, the interests of the plaintiff are fully as well attended to, and with less trouble to him, because personal access to the first clerk, as a general rule is easier if he wishes to

know the progress and exact position of a suit after judgment had, which, experience tells me, is not so easily obtained when it has to be written for. But some clerks set the difficulty at rest by sending with the transcript a private form of request, signed by the plaintiff or his attorney, to forward proceeds to the clerk from whose office the transcript issues. This I consider a good plan, and if generally adopted would be desirable.

I am inclined to think that uniformity of practice, by whatsoever means brought about, would add to the efficiency and respectability of the Division Courts as an institution—the absence of it argues a want of *status* not in keeping with their importance in a community.

I have on a former occasion said, I think, that the introduction of the power to garnish debts would add to their efficiency in realizing judgments in some cases. I still incline to that opinion.

There are several other points which might also be touched upon; but I have sufficiently trespassed on your space, and for the present subscribe myself

Respectfully yours,

January 8th, 1866.

H.

[We have much pleasure in publishing the foregoing. Discussion of the various topics that interest those concerned in the administration of justice in Division Courts is one great aim of the *Local Courts Gazette*; and, with this in view, we did not hesitate to publish the letter which has called forth those that are given above, though not, at the same time, coinciding with "C" in all the opinions he then expressed. Perhaps some other of our friends among the Division Court clerks will express their views on this subject, which is of considerable practical importance.

Uniformity of practice is, as our correspondent "H." remarks, a matter of the greatest importance, and we shall further any scheme that affords reasonable hope of effecting such a desirable end.—Eds. L. C. G.]

APPOINTMENTS TO OFFICE.

NOTARY PUBLIC.

CORNELIUS HARPER, of Durham, Esquire, to be a Public Notary in Upper Canada. (Gazetted Dec. 9, 1865.)

TO CORRESPONDENTS.

"BAILIFF"—"M."—"H."—u. de: "Correspondence."